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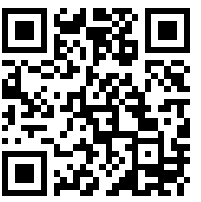

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New Jersey. Laws, statutes, etc.
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ACTS

OF THE

SECOND SPECIAL SESSION

OF THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

OF THE

STATE OF NEW JERSEY

AND

Fifty-Ninth Under the New Constitution.

TRENTON, N. J.:
MACCRELLISH & QUIGLEY, STATE PRINTERS.

1903.

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OCT 1 2 1912

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Proclamation by the Governor.

EXECUTIVE DEPARTMENT,
TRENTON, September 29th, 1903.

PROCLAMATION.

WHEREAS, The Court of Errors and Appeals has declared that the act entitled "An act to establish a system of public instruction," approved March twenty-sixth, one thousand nine hundred and two, to be unconstitutional;

AND WHEREAS this decision leaves the system of public instruction in a state of uncertainty and it is of paramount importance that a system of public instruction should be established, and in my opinion public necessity requires the convening of the Legislature to consider the same;

Therefore I, FRANKLIN MURPHY, Governor of the State of New Jersey, by virtue of the power vested in me by the Constitution, do convene the Legislature of this State, hereby requiring the Senators and Members of the House of Assembly to meet in their respective chambers at the State House in the city of Trenton, on Thursday the fifteenth day of October, next, at twelve o'clock noon.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to [SEAL.] be affixed at Trenton, this twenty-ninth day of September, one thousand nine hundred and three.

FRANKLIN MURPHY,
Governor.

S. D. DICKINSON,
Secretary of State.

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Acts Passed by the Second Special Session of the Legislature

Convened October 15th, 1903.

CHAPTER 1.

An Act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

ARTICLE I.

STATE BOARD OF EDUCATION.

State board; number, term, appointment.

1. The general supervision and control of public instruction shall be vested in a state board of education, which shall consist of two members from each congressional district, who shall not be members of the same political party, and who shall not reside in the same county except where a congressional district shall lie wholly within one county. Said members shall be appointed by the governor, by and with the advice and consent of the senate, each for the term of five years; and in the place of any member whose term shall expire a successor shall be appointed in like manner for the term of five years, so that there shall be always two members from each congressional district. In case of a vacancy a successor for the unexpired term shall be appointed. The members of the State Board of Education appointed for the several congressional dis-

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tricts, as said districts are now constituted, and who are now acting as such, shall serve for the terms for which they have been severally appointed. A suitable room in the state house, at Trenton, shall be provided for the use of said board.

Jurisdiction.

2. The State Board of Education shall have the control and management of the State Normal Schools, the New Jersey School for the Deaf, the Farnum Preparatory School and the Manual Training and Industrial School for Colored Youth.

Powers enumerated.

3. The State Board of Education shall have power:

I. To frame and modify by-laws for its own government; to elect its president and other officers, and to prescribe and enforce rules and regulations necessary to carry into effect the school laws of this state;

II. To appoint County Superintendents of Schools, and for cause to remove them;

III. To prescribe rules and regulations for holding teachers' institutes;

IV. To decide appeals from the decisions of the State Superintendent of Public Instruction;

V. To make and enforce rules and regulations for the examination of teachers, and the granting of certificates or licenses to teach.

Compensation.

4. The members of the State Board of Education shall receive no compensation for their services, but the State Treasurer shall, upon the warrant of the State Comptroller, pay their necessary expenses.

Annual report.

5. The State Board of Education shall report annually to the Legislature in regard to all matters committed to its care.

ARTICLE II.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Superintendent; appointment and salary.

6. The State Superintendent of Public Instruction shall be appointed by the Governor, by and with the advice and consent of the Senate, for the term of five years and until his successor shall be appointed and confirmed. He shall receive a salary of five thousand dollars a year, payable in equal monthly installments. A suitable office, to be known as the Department of

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Public Instruction, shall be provided for him in the State House at Trenton. The necessary expenses incurred in the Department of Public Instruction shall be paid in the manner provided by law.

Assistant superintendent.

7. The State Superintendent of Public Instruction may appoint an Assistant State Superintendent of Public Instruction. He shall file a certificate of such appointment in the office of the Secretary of State, and fix his salary, which salary shall be paid in the same manner as the salary of the State Superintendent shall be paid. Said Assistant Superintendent shall perform all the duties of the State Superintendent of Public Instruction during his absence.

Clerical assistance.

8. The State Superintendent of Public Instruction may employ such clerks as he may deem necessary, and fix their compensation, which compensation shall be payable monthly on the certificate of the State Superintendent of Public Instruction; *provided,* that the salary of the Assistant Superintendent and the compensation of said clerks shall not exceed in the aggregate the sum annually appropriated therefor by the Legislature.

Proviso.

9. The State Superintendent of Public Instruction shall be the Secretary of the State Board of Education, and a member, ex officio, of all boards of examiners. He shall enforce all rules and regulations prescribed by the State Board of Education. He shall have supervision of all the schools of the state receiving any part of the state appropriation. He shall, from time to time, instruct county and city superintendents as to their duties and as to the best manner of conducting schools, constructing school-houses and furnishing the same.

Settlement of controversies.

10. The State Superintendent of Public Instruction shall decide, subject to appeal to the State Board of Education and without cost to the parties, all controversies and disputes that shall arise under the school laws, or under the rules and regulations of the State Board of Education. The facts involved in any controversy or dispute shall, if he shall so require, be made known to him by written statements by the parties thereto, verified by oath or affirmation, and accompanied by certified copies of all documents necessary to a full understanding of the question in dispute, and his

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decision shall be binding until, upon appeal, a decision thereon shall be given by the State Board of Education.

Records and seal.

11. The State Superintendent of Public Instruction shall keep a record of all his official acts and shall preserve copies of all decisions made by him, and shall adopt and provide an official seal. Copies of all acts, orders and decisions made by him, and of all papers deposited or filed in the Department of Public Instruction may be authenticated under said seal, and, when so authenticated, shall be evidence equally with and in like manner as the originals.

Vacancy in office of county superintendent.

12. Whenever there shall be a vacancy in the office of County Superintendent of Schools, the State Superintendent of Public Instruction shall appoint, subject to the approval of the President of the State Board of Education, a suitable person to fill such vacancy, and the person so appointed shall hold office until his successor shall be appointed by the State Board of Education.

Withhold salary from county superintendent.

13. In case a County Superintendent of Schools shall neglect or refuse to perform any duty imposed upon him by this act or by the rules and regulations of the State Board of Education, the State Superintendent of Public Instruction shall, subject to appeal to the State Board of Education, withhold from such County Superintendent of Schools the order for his salary until he shall have fully complied with the provisions of this act and with the rules and regulations of the State Board of Education relating to his duties.

Moneys withheld for nonperformance of duty.

14. In case a board of education, or any officer thereof, or the legal voters of any school district, or any board or officer of the municipality in which any such school district shall be situate shall neglect or refuse to perform any duty imposed upon such board, officer or legal voters by this act or by the rules and regulations of the State Board of Education, the custodian of the school moneys of such school district shall, upon notice from the County Superintendent of Schools approved by the State Superintendent of Public Instruction, withhold all moneys received by him from the County Collector and then remaining in his hands to the credit of such district, until he shall receive notice from said County Superintendent of Schools that said board, officer or legal voters have fully complied with the pro-

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visions of this act and with the rules and regulations of the State Board of Education.

Withhold teacher's salary.

15. In case a teacher shall neglect or refuse to perform any duty imposed upon him or her by this act or by the rules and regulations of the State Board of Education, the State Superintendent of Public Instruction shall direct the custodian of the school moneys of the school district in which such teacher shall be employed, to withhold from such teacher all salary due to him or her until he receives notice from said State Superintendent of Public Instruction that such teacher has fully complied with the provisions of this act and the rules and regulations of the State Board of Education relating to his or her duties.

Apportionment of school moneys.

16. The State Superintendent of Public Instruction shall equitably apportion to the several counties the amount appropriated for the support of public schools from the State School Fund on the basis of the aggregate number of days attendance of all pupils attending the public schools during the year preceding that for which said apportionment shall be made, and shall furnish to the State Comptroller and to the several County Superintendents of Schools and County Collectors an abstract of such apportionment, and of the apportionment of the moneys due to the several counties from the State school tax and from the reserve fund, and shall draw his orders on the State Comptroller and in favor of the County Collector of each county for the amount to which such county shall be entitled.

Reports of private schools.

17. The superintendent or manager of each educational institution receiving support or aid from the state, and the president, manager, or principal of each seminary, academy or private school shall report to the State Superintendent of Public Instruction annually, on or before the first day of August, such statistics relating to such institution, seminary, academy or school as said State Superintendent of Public Instruction may require, and in the manner and form prescribed by him; *provided,* that no report concerning the expenses or finances of such seminary, academy or private school shall be required; *and provided further,* that no report of any seminary, academy or private school shall be published

Proviso.

Proviso.

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or made public by the State Superintendent of Public Instruction.

Forms and laws.

18. The State Superintendent of Public Instruction shall prepare and cause to be printed forms for making all reports and conducting all proceedings under the school laws of this state. He shall cause all school laws to be printed in pamphlet form, and shall annex thereto forms for making reports and conducting school business, and shall distribute the same.

Annual report.

19. The State Superintendent of Public Instruction shall present to the State Board of Education annually at its meeting in December, a report of the condition of the public schools and of all the educational institutions receiving support or aid from the state. Such report shall contain full statistical tables of all items connected with the cause of education that may be of interest to school officers or the people of the state, together with such suggestions and recommendations for the improvement of the schools and the advancement of public instruction as he shall deem expedient.

Oaths and affidavits.

20. The State Superintendent of Public Instruction and the Assistant State Superintendent shall, without charge, administer oaths and take affidavits concerning any matter relating to the schools.

Deliver seal, records, etc., to successor.

21. The State Superintendent of Public Instruction shall, at the expiration of his term of office, deliver to his successor his official seal, together with all the property, books, documents, maps, records, reports and other papers belonging to his office.

ARTICLE III.

COUNTY SUPERINTENDENTS.

County superintendent.

22. The State Board of Education shall appoint for each county a suitable person to be the County Superintendent of Schools of that county, who shall hold office for the term of three years from the date of his appointment and until his successor shall have been appointed as aforesaid, unless sooner removed for cause by said board. No person shall be appointed as County Super-

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intendent of Schools unless he shall hold a state teacher's certificate.

Salary. 23. The yearly salary of a County Superintendent of Schools shall be a sum which shall be equal to eight dollars for each teacher employed in the public schools in his county as ascertained from the last published report of the State Superintendent of Public Instruction; but such salary shall in no case be less than thirteen hundred dollars nor more than two thousand dollars. Such salary shall be paid in equal monthly installments, and the State Comptroller shall, on the order of the State Superintendent of Public Instruction, draw his warrant for such salary on the State Treasurer in favor of such County Superintendent of Schools. How paid.

Expenses paid. 24. A County Superintendent of Schools shall receive, in addition to his salary, the actual expenses incurred by him in the performance of his official duties, which expenses shall be paid by the collector of the county on the order of the State Superintendent of Public Instruction; *provided,* that no such order shall be drawn in favor of any County Superintendent of Schools until he shall have furnished to the State Board of Education an itemized statement, certified under oath or affirmation, of the expenses he has incurred, nor unless he shall have, during the period in which such expenses have been incurred, faithfully performed all the duties imposed upon him by this act and by the rules and regulations of the State Board of Education; *and provided further,* that in no case shall the expenses aforesaid exceed three hundred and fifty dollars annually. Payment of such expenses shall be made quarterly. Proviso. Proviso.

Powers of county superintendent. 25. A County Superintendent of Schools shall have power:

I. To administer, without charge, oaths or affirmations to teachers and school officers;

II. To issue orders on the County Collector in favor of the custodian of the school moneys of the several school districts in said county for that portion of the state school tax, the state appropriation, and the interest of the surplus revenue to which each of said school districts shall be entitled;

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III. To exercise general supervision over the public schools of the county under his charge in accordance with the rules and regulations prescribed from time to time by the State Board of Education; to visit and examine all the schools under his care; to inquire into the management, methods of instruction and discipline in such schools; to note the condition of the school-houses, sites, buildings and appurtenances; to examine the courses of study, text-books and school libraries; to advise with and counsel boards of education in relation to their duties, particularly in respect to the construction, heating, ventilating and lighting of school-houses, and to recommend to boards of education and teachers proper studies, methods, discipline and management for the schools;

IV. To appoint members of the board of education for a new township, incorporated town or borough school district and for any school district under his supervision which shall fail to elect members at the regular time. Such appointees shall serve only until the next election in the district for members of the board of education.

Annual report.

26. Each County Superintendent of Schools shall render annually, on or before the first of September, to the State Superintendent of Public Instruction, in the manner and form prescribed by him, a report of such matters relating to the schools under his supervision as shall be required by said State Superintendent of Public Instruction.

Reports of local officers.

27. The superintendents, district clerks and the custodians of school moneys of the several school districts shall annually, on or before the first day of August, report to the County Superintendent of Schools in the manner and form prescribed by the State Superintendent of Public Instruction.

Supervision of city schools.

28. Whenever a superintendent of schools shall be appointed in any city school district, the supervision of the schools of such district shall devolve upon such superintendent and not upon the County Superintendent of Schools.

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ARTICLE IV.

BOARDS OF EXAMINERS.

State examiners.

29. There shall be a State Board of Examiners, consisting of the State Superintendent of Public Instruction, the Principals of the State Normal Schools and one person to be appointed by the State Board of Education. Said last-named person shall hold office for one year from date of his appointment as aforesaid. The member of said State Board of Examiners appointed by the State Board of Education shall hold a first-grade state certificate, or shall be a graduate of a college or university. He shall receive for his services, in addition to traveling expenses, such compensation as may be fixed by the State Board of Education, not to exceed ten dollars for each meeting of said Board of Examiners. Said board shall hold examinations of teachers, grant State certificates to teach and revoke the same under rules and regulations prescribed by the State Board of Education.

County examiners.

30. There may be in each county a County Board of Examiners consisting of the County Superintendent of Schools, who shall be its chairman, and a number of teachers not to exceed three to be appointed by him, who shall hold office for one year from the date of their respective appointments. No person shall be appointed as a county examiner unless he or she shall hold either a state or a first-grade county certificate. The County Superintendent of Schools shall fill vacancies that shall occur from absence or other cause. Said County Board of Examiners shall conduct examinations and grant certificates to teach at such times and under such rules and regulations as the State Board of Education may prescribe. It shall meet at such places as may be designated by the chairman. Each member of said Board of Examiners, except the County Superintendent of Schools, shall receive for his or her services, in addition to traveling expenses, such compensation as may be fixed by the State Board of Education not to exceed ten dollars for each regular examination, which com-

Sessions; compensation.

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pensation shall be paid by the County Collector on the order of the County Superintendent of Schools; *provided,* that whenever said board shall hold a special examination no compensation therefor shall be paid by the County Collector, but in such case said board may charge each applicant for examination a fee not to exceed two dollars as compensation for services for such examination.

Proviso.

City examiners.

31. In each city school district there may be a Board of Examiners consisting of the Superintendent of Schools of such district, if there be one, and such persons as the board of education of the school district shall appoint. No person shall be appointed as such examiner unless he or she shall hold either a state certificate or the highest grade certificate issued in said district, or shall be a graduate of a college or university. Said Board of Examiners shall, under such rules and regulations as the State Board of Education shall prescribe, grant certificates to teach which shall be valid for all schools of such school district. No teacher shall be employed in any of the schools of such district unless he or she shall possess such certificate or a state or county certificate; *provided,* that nothing herein contained shall be construed to prevent the Board of Education of such school district from prescribing and requiring other and further qualifications to teach than shall have been prescribed by the rules and regulations of the State Board of Education as aforesaid; *provided further,* that if any such school district shall maintain a Normal School or a training school for teachers, which school shall have been approved as to its course of study by the State Board of Education, then the diplomas or certificates issued to pupils of any such school upon graduation therefrom may be accepted by the board of education of said school district as certificates to teach valid for the schools of such school district.

Proviso.

Proviso.

ARTICLE V.

SCHOOL DISTRICTS.

School districts.

32. Each township, city, incorporated town and borough shall be a separate school district, but each incor-

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porated village shall remain and be a part of the school district in which said incorporated village shall be situate at the time of its incorporation.

New districts.

33. Whenever a new school district shall be created, the children residing in said new district shall continue to attend the schools in which they shall be enrolled until the end of the then current school year. In case there shall be a school-house in such new district in which school shall be then maintained the board of education of the school district from which such new district shall have been set off shall have charge and control of such school until the end of the then current school year, and shall pay the salaries of the teachers, janitors and other persons employed in such school until the end of said year. In case there shall be any balance at the end of said school year in the hands of the custodian of the school moneys of the school district to the credit of the school district from which said new district shall have been set off, said custodian shall certify to the County Superintendent of Schools the amount of such balance, and what portion of such balance was received from state appropriation, state school tax and interest of the surplus revenue, and what portion was received from district school tax. Said County Superintendent of Schools, upon receipt of such notice, shall divide between said districts that portion of the balance arising from the state appropriation, state school tax and interest of the surplus revenue on the basis of the aggregate number of days attendance of pupils in the public schools as ascertained from the last published report of the State Superintendent of Public Instruction, and shall divide between said districts that portion of said balance arising from district school tax on the basis of the respective ratables of said districts, and shall issue an order in favor of the custodian of the school moneys of such new district for that portion of said balance found to be due said district from the district from which it shall have been set off.

In case balance of money.

Division of balance.

Titles and obligations of new districts.

34. In any new school district the board of education, in its corporate capacity, shall become vested with the title to all school property real and personal in such district, and if, for the erection, repair or purchase of any such property, there shall be an indebtedness for

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which the board of education of the school district to which said property originally belonged shall be liable, the said indebtedness shall be assumed by and become the obligation of the board of education of the school district which shall have become vested with the title to such property, and upon payment of said indebtedness by the school district originally liable therefor, an action may be maintained therefor by the board of education so paying the said indebtedness against the board of education of the school district which shall have become vested with the property for which the said indebtedness was originally incurred.

Assumption of indebtedness.

35. In case any municipality or any part thereof shall have been annexed to another municipality and there shall be within the limits of such municipality, or such part thereof as shall have been annexed to another municipality as aforesaid, any school-house or property formerly belonging to the board of education of the school district situate in such municipality, and for the erection, purchase, furnishing or repair of which there shall be an indebtedness for which the board of education of such school district shall be liable, the said indebtedness shall be assumed by and become the obligation of the board of education of the school district situate in the municipality to which such municipality shall have been annexed.

Repayment.

36. Whenever the board of education of a school district situate in any municipality shall pay any portion of an indebtedness existing at the time of the formation of a new municipality, or at the time of the annexation of such municipality, or part thereof, to another municipality as aforesaid, which indebtedness shall have been assumed by and shall have become the obligation of the board of education of the school district situate in such new municipality, said last-mentioned board shall repay to the board of education of said first-mentioned school district the amount of said payment, with interest.

Nine months' term.

37. The state appropriation and the state school tax shall not be apportioned in any year to any district which shall not have maintained a public school for at least nine months during the preceding school year;

Proviso.

provided, that the State Superintendent of Public Instruction may, for good cause shown, remit said penalty;

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and provided further, that said appropriation and said state school tax shall be apportioned to a new district, or to a district in which the school shall have been discontinued on account of the repairing of an old, or the erection of a new school building. Proviso.

ARTICLE VI.

CITY SCHOOL DISTRICTS.

38. In each city, the mayor or other chief executive officer of such city shall, during the month of December, next after the acceptance of the provisions of this section, as is hereinafter provided, appoint nine persons to be members of the board of education of such city school district, who shall severally possess the qualifications for said membership prescribed in this article. Three of such persons shall be appointed to serve for one year, three for two years and three for three years, and annually thereafter, during the month of December, the said mayor or other chief executive officer of such city shall appoint three members of said board of education to serve for the term of three years, to take the place of those members whose terms shall expire with such year. Any vacancy in such board of education shall be forthwith reported by the secretary of said board to the mayor or other chief executive officer, who shall, within thirty days thereafter, appoint a person to fill such vacancy for the unexpired term. To every such appointee, as aforesaid, said mayor or other chief executive officer shall issue and deliver a certificate of appointment. The term of office of a member of the board of education, except a member appointed to fill an unexpired term, shall begin on the first day of January next succeeding his appointment. Appointive boards. Terms. Vacancies. Commissioned.

39. In each city, there shall be elected at the first municipal election held in such city next after the acceptance of the provisions of this section as is hereinafter provided, nine persons to be members of the board of education of such city school district, who shall severally possess the qualifications for said membership Elective boards.

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Terms. prescribed in this article. Three of such persons shall be elected to serve for one year, three for two years and three for three years, and thereafter, at the regular municipal election in such city in each year, there shall be elected three members of said board of education to serve for the term of three years, to take the place of those members whose terms shall expire with such year.

Vacancies. Should any vacancy occur in such board of education, the remaining members of said board shall, within thirty days thereafter, appoint a person to fill such vacancy to serve only until the next succeeding municipal election in said city, at which election a member shall be elected to serve for the unexpired term. The term of office of a member of the board of education, except a member elected to fill an unexpired term, shall begin on the first day of January next succeeding his election.

Referendum. 40. The acceptance of the provisions of either section thirty-eight or thirty-nine shall be submitted to the qualified voters of any city at a general or municipal election

Proviso. to be held therein; *provided,* that such submission shall be had and such vote shall be taken whenever the common council, board of aldermen or other legislative body of the city, or the board of education of any school district situate in such city shall have, by resolution, determined that such question shall be so submitted, or whenever at least five per centum of the legal voters of such city, as shown by the election returns of the last municipal election in such city, shall, by their petition duly signed and delivered to the clerk of such city, have requested that such question shall be so submitted;

Proviso. *provided further,* after the question of accepting the provisions of either section thirty-eight or thirty-nine shall have been submitted to the legal voters of any city, the question of the acceptance of the provisions of such section shall not again be submitted until at least

Management ad interim. five years shall have elapsed. In any city school district, until the organization of a board of education in such school district as provided in section thirty-eight or thirty-nine of this act, the administration and conduct of the public schools and the management and control of the public school property therein, shall remain in and shall be exercised by any board of education or other body theretofore having control of the public schools

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therein. Said board of education or other body shall be hereafter deemed to be incorporated under the provisions of section forty-five of this act, and shall have all the powers and be charged with all the duties conferred or imposed upon a board of education as provided in this article, and the members of any such board of education or other body shall be selected, elected or appointed at the same time, in the same manner, and shall serve for the same terms as members of such board of education or other body have been heretofore selected, elected or appointed. Upon the organization of a board of education in said district, as provided in section thirty-eight or thirty-nine the board of education or other body theretofore having charge of the public schools in such school district, or in such city, or having custody, charge or management of any fund or property used for or in the maintaining of public schools in such district or city, and having no other function, shall be ipso facto abolished.

Powers of board.

When board abolished.

41. A member of a board of education in a city school district shall be a citizen and resident of the territory contained in said school district, and shall have been such citizen and resident for at least three years immediately preceding his or her becoming a member of such board, and shall be able to read and write. He shall not be interested directly or indirectly in any contract with or claim against said board.

Member's qualifications.

42. A member of such board of education shall, before entering upon the duties of his office, take and subscribe an oath before any officer authorized by law to administer oaths, that he possesses the qualifications to be a member of said board prescribed therefor by this article, and that he will faithfully discharge the duties of his said office. Said oath shall be filed with the city clerk of the city.

Oath.

43. A member of such board of education who shall fail to attend three consecutive regular meetings of said board without good cause, may be removed by said board; the vacancy thus created shall be filled in the same manner as other vacancies in the board of education shall be filled.

Removal for non-attendance.

44. A member of such board of education shall receive no compensation for his services.

No compensation.

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Body corporate; seal.

45. A board of education in a city school district shall be a body corporate, and shall be known as and called "the board of education of ———— in the county of ————," and shall adopt an official seal.

Organization.

46. On the day the term of office of the members first appointed or elected as provided in section thirty-eight or thirty-nine shall begin, and annually at the first regular meeting of the board of education on or after the first day of January, said board shall organize by electing one of its members as president and another as vice-president, which officers shall serve for one year and until their respective successors shall be elected.

May sue, purchase, etc.

47. Such board shall, in and by its corporate name, sue and be sued, purchase, lease, receive, hold and sell property, real and personal, take and condemn land and other property for school purposes in the manner provided by law regulating the ascertainment and payment of compensation for property condemned or taken for public use. If either party shall feel aggrieved by any proceedings and award thereunder, said party may appeal in the manner provided by law for appeals from such proceedings and award. It shall do all acts and things necessary for the lawful and proper conduct and maintenance of the public schools of its school district.

Vested rights.

48. Such board shall succeed to and be vested with all the property of every kind, and all the rights and privileges, not inconsistent with the provisions of this act, theretofore vested in or possessed by any board of education, school commissioners, or other body theretofore having charge and control of the public schools or public school property of the school district or of the city in which said district shall be situate.

Title in board.

49. The title to school property, real and personal, previously acquired by said school district, or by any antecedent board of education, school commissioners, or by any other body for school purposes in said school district, or in the city in which the said district shall be situate, or by any body in such city, and the title to all lands, buildings and other property to be hereafter acquired for school purposes in said school district shall vest in the board of education in said district incorporated under the provisions of this article.

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Management, etc.

50. Every such board shall have the supervision, control and management of the public schools and public school property in its district, and shall keep such property insured. It shall appoint a person to be its secretary, and may appoint a superintendent of schools, a business manager and other officers, agents and employes as may be needed, and may fix their compensation and terms of employment, but no such appointee, officer, agent or employe, other than the secretary, shall be a member of said board.

Rules and regulations.

51. Such board shall make, amend and repeal rules, regulations and by-laws not inconsistent with this act or with the rules and regulations of the State Board of Education, for its own government, for the transaction of business, and for the government and management of the public schools and the public school property in said district, and also for the employment and discharge of principals and teachers.

Proposals for supplies.

52. Such board of education shall prior to the beginning of each school year, cause advertisement to be made under such regulations as it may provide, for proposals for furnishing supplies required in the schools and by said board during the ensuing year. If other and further supplies shall be required during the year, they shall be purchased in like manner. No contract shall be entered into for the building of a new school-house or for the enlarging or repairing of a school-house already erected, except after advertisement made under such regulations as said board may prescribe; *provided,* Proviso. that the board may at any time order repairs to school buildings to an amount not exceeding five hundred dollars, and may authorize the purchase of supplies to an amount not exceeding two hundred and fifty dollars without advertisement. Text-books and kindergarten Exceptions. supplies may be purchased witout advertisement.

Bids and contracts.

53. No bid for building or repairing school-houses or for supplies shall be accepted which does not conform to the specifications furnished therefor, and all contracts shall be awarded to the lowest responsible bidder.

Public report.

54. Such board of education shall, as soon as practicable after the close of each school year, cause to be printed and published a report of the condition of the

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public schools under its charge, of all the property under its control, and an itemized account of the expenditures of the board and of the finances of the district.

May borrow money on notes.

55. Such board may, after the first day of July and before the first day of January, borrow a sum not exceeding one-half of the amount appropriated for the current expenses of the schools and for the repair of school-houses under its control, and execute and deliver promissory notes therefor, and pay the amount so borrowed together with interest thereon, at a rate not exceeding six per centum per annum.

Secretary; salary, bond.

56. A secretary shall be appointed by the majority vote of all the members of the board of education; he shall be paid such salary as said board shall determine, and may be removed by a majority vote of all the members of said board. He shall before entering upon the duties of his office, execute and deliver to said board a bond in a sum to be fixed by said board, but not less than two thousand dollars, with surety or sureties to be approved by said board conditioned for the faithful performance of the duties of his office. Said board may accept the bond or undertaking of a trust company or surety or indemnity company, and may pay the annual premium or fee therefor as a current expense of said board.

Secretary's power.

57. The secretary may appoint and remove clerks in his office, but the number and salaries of such clerks shall be determined by the board of education.

Duties.

58. The secretary shall record the proceedings of the board and of its committees, and shall be the custodian of all securities, documents, title papers, books of record and other papers belonging to the board under such conditions as said board shall prescribe.

Concerning moneys; monthly report.

59. The secretary shall collect tuition fees and other moneys due to the board of education, except moneys apportioned by the County Superintendent of Schools or appropriated by the city, and shall deposit with the custodian of the school moneys of the district all moneys collected by him, and shall render monthly to the board of education a report of the receipts during the preceding month.

General accountant.

60. The secretary shall be the general accountant of the board of education and shall preserve in his office

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all accounts, vouchers and contracts relating to the public schools. He shall examine and audit all accounts and demands against said board. Every such account or demand exceeding in amount the sum of five dollars, except for salaries, shall be verified by affidavit.

Payment of of claims.

61. No claim or demand shall be audited or paid unless it shall be authorized by law and the rules of the board of education and be fully itemized, nor unless the amount required to pay the same shall have been theretofore appropriated by said board.

Disbursements, how made.

62. All disbursements of the board of education shall be by warrant drawn on the custodian of the school moneys of the district, signed by the president of said board and countersigned by the secretary. All warrants drawn in accordance with the provisions of this section, accompanied by itemized statements of the claims or demands that have been drawn, shall be forwarded, by said secretary, to the comptroller, auditor or other officer, if there be one, authorized by law to audit claims and demands against the municipality in which such district shall be situate. Said comptroller, auditor or other officer shall be the auditor of the school district, and shall receive such compensation therefor as the common council or other governing body of said municipality shall determine, and the bonds given by such comptroller, auditor or other officer for the faithful performance of his duty to such municipality shall be held to cover the performance of his duty as auditor of the school district. Such auditor shall examine and audit such warrants and statements, with a view to ascertaining whether the sum or sums are proper, and if he shall find them to be correct, he shall countersign said warrants and forward them to the city treasurer, who, by virtue of his office as city treasurer, shall be the custodian of school moneys of said school district. Said auditor shall, whenever he shall deem it to be for the best interests of the school district, examine under oath any person presenting a bill or claim against said school district, and also examine witnesses and investigate by other evidence and inquiry all the facts relating to said claim which in his opinion are necessary to establish the accuracy and good faith of said claim, and to ascertain the school district's liability therefor. If said

Claims audited.

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If auditor in doubt.

auditor shall have reason to believe that the claim or demand for which any such warrant shall have been issued is incorrect, or for any cause should not be paid, he shall return such warrant and statement to the secretary of the board of education, with a statement of the reasons why the same should not be paid, and said secretary shall correct such warrant and statement, or present them to the board of education at its next meeting. If said board shall find that the claim or demand for which said warrant was issued is correct and just it shall, by a vote of a majority of all the members of said board, order that it be paid, and said auditor shall, upon receipt of the warrant and statement thereof, together with a statement of the action of the board of education thereon, countersign the warrant and forward it to the custodian of school moneys. Said auditor shall, whenever he shall deem it necessary, examine all books, papers and vouchers of the board of education, or any officer thereof, and shall have free and unrestrained access to them for that purpose.

Monthly and yearly reports.

63. The secretary shall report monthly to the board of education the amount for which warrants shall have been drawn during the preceding month, the accounts against which said warrants shall have been drawn and the balance to the credit of each account, and shall, at the close of the fiscal year, make a full itemized report of the finances of the school district.

Municipal superintendent.

64. Whenever a superintendent of schools shall be appointed, it shall be by a majority vote of all of the members of the board of education. He shall receive such salary as said board shall determine, which salary shall not be reduced during his employment. He may be removed by a majority vote of all the members of said board. He shall have a seat in said board and the right to speak on all educational matters, but shall not have the right to vote.

Assistant superintendents.

65. The board of education may, on the nomination of the superintendent of schools, appoint assistant superintendents and shall fix their salaries. Assistant superintendents may be removed by a majority vote of all the members of said board.

Qualifications.

66. No person shall hereafter be appointed superintendent of schools, or assistant superintendent under the

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provisions of this article unless he shall hold a state teacher's certificate.

Duties.

67. The superintendent of schools shall, when required by the board of education, devote himself exclusively to the duties of his office. He shall have general supervision over the schools of the district and shall examine into their condition and progress and report thereon from time to time as directed by the board of education. He shall have such other powers and perform such other duties as may be prescribed by said board. He may appoint and remove clerks in his office, but the number and salaries of such clerks shall be determined by said board. Said superintendent shall render annually on or before the first day of August to the State Sunperintendent of Public Instruction, and in the manner and form prescribed by him, a report of such matters relating to the schools under his supervision as shall be required by said State Superintendent of Public Instruction.

Annual report.

Majority action.

68. No principal or teacher shall be appointed, transferred or dismissed, nor the amount of his or her salary fixed; no school term shall be determined, nor shall any course of study be adopted or altered, nor text-books selected, except by a majority vote of the whole number of members of the board of education.

Suspensions.

69. The superintendent of schools may, with the approval of the president of the board of education, suspend any assistant superintendent, principal or teacher, and shall forthwith report such suspension to the board of education, which board shall take such action for the restoration or removal of such assistant superintendent, principal or teacher as it shall deem proper; *provided,* that such action shall be by a majority vote of all the members of said board.

Proviso.

Business manager.

70. Whenever a business manager shall be appointed it shall be by a majority vote of all the members of the board of education. He shall receive such salary as said board shall determine. He shall, before entering upon the duties of his office, execute and deliver to the board of education a bond in a sum to be fixed by said board, but not less than two thousand dollars, with surety or sureties to be approved by said board, conditioned for the faithful performance of the duties of

Bond.

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his office. Said board may accept the bond or undertaking of a trust company, surety or indemnity company and may pay the annual premium or fee therefor as a current expense of said board. Said business manager may, by a majority vote of all the members of the board of education, be removed from office. He shall have a seat in said board, and the right to speak on all matters relating to his department, but shall not have the right to vote.

Duties.

71. The business manager shall have charge and care of the public school buildings, and all other property belonging to the school district. He may appoint and remove clerks in his office, but the number and salaries of such clerks shall be determined by the board of education.

Additional duties.

72. All plans and specifications for the erection, improvement or repair of public school-houses shall be drawn by or under the supervision of the business manager, if there be one, and shall be approved by the board of education. Said business manager, if there be one, shall supervise the construction and repair of all school-buildings, and shall report monthly to the board of education the progress of the work; *provided,* that repairs not exceeding the sum of one hundred dollars may be ordered by the business manager, and repairs not exceeding the sum of five hundred dollars may be ordered by the committee of the board having charge of the repair of school property, without the previous order of the board and without advertisement. The business manager, if there be one, shall superintend all advertisements for bids and the letting of all contracts. He shall inspect all work done and materials or supplies furnished under contract, and shall, subject to the approval of the board of education, condemn any work and reject any material or supplies which, in his judgment, do not conform to the specifications contained in the contract therefor, and shall perform such other duties as may be required by the board of education.

Proviso.

Inspection.

Board of school estimate.

73. In every city school district the board of education shall appoint two of its members, and the common council, board of finance or other body in such city having the power to make appropriations of money raised by taxes in said city, shall appoint two of its

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members, and the four persons so appointed, together with the mayor or other chief executive officer of the city, shall constitute a board to be known as the "Board of School Estimate" of said school district. Said appointments shall be made annually during the month of January. The secretary of the board of education shall be the secretary of the board of school estimate, but shall receive no compensation as such.

Estimate furnished.

74. On or before the fifteenth day of May in each year, the board of education of such city school district shall prepare and deliver to each member of said Board of School Estimate an itemized statement of the amount of money estimated to be necessary for the current expenses of and for repairing and furnishing the public schools of such district for the ensuing school year, and also the amount which shall have been apportioned to such district by the county superintendent.

Moneys necessary determined.

75. Between the fifteenth day of May and the first day of June in each year said Board of School Estimate shall fix and determine the amount of money necessary to be appropriated for the use of the public schools in such district for the ensuing school year, exclusive of the amount which shall have been apportioned to it by the County Superintendent of Schools. Said Board of School Estimate shall, on or before the last-named date, make two certificates of said amount, signed by at least three of the members of said board, one of which certificates shall be delivered to the board of education of said school district, and the other to the common council, board of finance, or other body in the city having the power to make appropriations of moneys raised by taxes in such city. Said common council, board of finance or other body shall, upon receipt of said notice, appropriate in the same manner as other appropriations are made by it the amount so certified as aforesaid, and said amount shall be assessed, levied and collected in the same manner as moneys appropriated for other purposes in such city shall be assessed, levied and collected; *provided,* that any amount in excess of three-fourths of one per centum of the taxable valuation of the real and personal property shall be appropriated only with the concurrence and consent of said common council, board of finance or other body, ex-

Appropriation made.

Proviso.

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Proviso.

pressed by its resolution duly passed; *and provided further,* that if the charter of the city shall limit the amount of tax or the rate of taxation in such city, so that the purposes of this section cannot be carried out, or shall otherwise by its terms prevent the carrying out of said purposes, said charter limitations shall be hereafter held not to apply to the raising of money under the provisions of this section.

Method of raising money for lands or buildings.

76. Whenever a city board of education shall decide that it is necessary to raise money for the purchase of lands for school purposes, or for erecting, enlarging, repairing or furnishing a school-house or school-houses, it shall prepare and deliver to each member of the Board of School Estimate of such school district a statement of the amount of money estimated to be necessary for such purpose or purposes. Said Board of School Estimate shall fix and determine the amount necessary for such purpose or purposes, and shall make two certificates of such amount, one of which certificates shall be delivered to the board of education, and the other to the common council, board of finance or other body in the city having the power to make appropriations of money raised by tax in such city. Said common council, board of finance or other body may appropriate such sum or sums for such purpose or purposes in the same manner as other appropriations are made by it, and said sum or sums shall be raised, assessed, levied and collected at the same time and in the same manner as moneys appropriated for other purposes in such city are raised, assessed, levied and collected, or said common council, board of finance or other body may appropriate and borrow such sum or sums for the purpose or purposes aforesaid, and may secure the repayment of the sum or sums so borrowed, together with interest thereon at a rate not to exceed five per centum per annum, by the issue of bonds in the corporate name of such city. Bonds so issued shall be designated "school bonds;" shall be of such denomination as said common council, board of finance or other body may determine, and shall be made payable in not more than thirty years from the date thereof. Such bonds may be registered or coupon bonds, or may be registered and coupon bonds combined at the option of such common council, board

Appropriation.

Issue school bonds.

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of finance or other body. The proceeds of the sale of such bonds shall be deposited with the custodian of school moneys of such school district, and shall be paid out only on the warrants or orders of the board of education; *provided*, that the total amount of bonds for the purposes named in this section, including bonds theretofore issued for such purposes, and not redeemed, shall not exceed at any one time a sum equal to three per centum of the taxable valuation of the real and personal property in such city; *provided further*, that if the charter of the city shall limit the amount of indebtedness in such city, or shall by its terms prevent the carrying out of the provisions of this section, said charter provisions shall be hereafter held not to apply to the issuing of bonds under the provisions of this section.

Proviso.

Proviso.

ARTICLE VII.

TOWNSHIP, INCORPORATED TOWN AND BOROUGH SCHOOL DISTRICTS.

Boards of education in separate districts.

77. In each township, incorporated town and borough school district, there shall be a board of education consisting of nine members, except as hereinafter provided; three members of such board shall be chosen at each annual school meeting and shall hold office for the term of three years. In case there shall be a vacancy in a board of education, such vacancy shall be filled at the next annual meeting after such vacancy occurs, and the person elected to fill such vacancy shall be elected for the unexpired term only.

Number of members may be reduced.

78. If the board of education in any school district created under the provisions of this article shall deem it for the best interests of the schools that the number of members constituting said board shall be reduced, the district clerk, when directed by said board, shall insert in the call for the next annual meeting a notice that it will be determined at said meeting whether the number of members of the board of education shall be reduced to three. If it shall be determined at said meeting that the board of education shall consist of three members, then no election for members of said board

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shall be held until the second annual school meeting held after the meeting at which it was determined to reduce the number of members of the board to three. At such second annual school meeting there shall be elected three members of said board to serve for one, two and three years respectively, and thereafter one member of said board shall be elected at each annual school meeting who sholl hold office for the term of three years.

Annual district meeting.

79. An annual meeting for the election of members of the board of education shall be held in each township, incorporated town or borough school district on the third Tuesday in March at a school-house or such other convenient public place within the district as may be selected by the board of education. Not less than seven notices of such meeting, specifying the day, time, object and place thereof, shall be posted by the district clerk at least ten days before the date of such meeting; one of such notices shall be posted on each school-house within the district, and at such other public places therein as the board of education of said district shall direct. Any district clerk who shall fail to post notices calling said annual meeting as required by this section shall pay a fine of twenty dollars, to be recovered in a court for the trial of small causes by any resident of said school district. A plurality of the votes cast shall be sufficient to elect a member of a board of education.

Notices.

Failure to post.

Election by ballot.

80. All elections for members of such board of education shall be by ballot. The polls for such election shall remain open one hour and as much longer as may be necessary to enable the legal voters present to cast their ballots. Said ballots may be printed or written, or partly printed and partly written. In case a member of a board of education is to be elected for a full term, and a member is to be elected to fill an unexpired term, the ballots shall designate which of the persons voted for is to be elected for the full term, and which for the unexpired term. The chairman of the meeting shall appoint two tellers who shall receive and count the ballots in his presence and said chairman shall announce the result of such election. The secretary of the meeting shall keep a poll-list and record therein the name of each person voting at such election and shall also keep a tally-sheet of the votes as counted by the tellers.

Election, how conducted.

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The tally-sheet shall be signed by the chairman and tellers, and said tally-sheet, poll-list and ballots shall be placed by the secretary in a sealed package indorsed with the name of the district, the name of the county in which said district shall be situate and the date on which said election shall have been held, and said package, together with a statement of the result of said election signed by the chairman and secretary, shall be, by said secretary, forwarded to the County Superintendent of Schools within five days after the date of such election and the same shall be preserved for one year.

When two ballot-boxes.

81. At any annual meeting when the question of raising a tax, the issuing of bonds, or the establishing of a union graded school is to be voted on, two ballot-boxes shall be provided and two tellers shall be appointed for each box. One of said boxes shall be used to receive the ballots for members of the board of education and the other to receive the ballots for the other objects enumerated in this section.

Who may vote.

82. Every male citizen of the United States who shall have the qualifications required for electors for the General Assembly of the State of New Jersey, shall have the right to vote at such meeting. Every female citizen of the United States of the age of twenty-one years and possessing the qualifications respecting residence required of male voters, shall have the right to vote at any annual or special school meeting of the legal voters of said school district for any purpose other than the election of members of the board of education.

Eligibility of members.

83. A member of a board of education shall be a citizen and resident of the territory contained in said school district, and shall have been such citizen and resident for at least three years immediately preceding his or her becoming a member of such board, and shall be able to read and write. He shall not be interested directly or indirectly in any contract with nor claim against said board.

Corporate name.

84. Each board of education elected as provided in this article shall be a body corporate, and shall be known as and called "the board of education of the (township, town or borough, as the case may be) of ————, in the county of ————."

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Organization.

85. Each board of education created under the provisions of this article shall organize within ten days after the annual school meeting, by the election of one of its members as president, another as vice-president, and a district clerk, and may fix the compensation of said clerk. If said board shall fail to organize within ten days, the County Superintendent of Schools shall appoint, from among said members a president, a vice-president and a district clerk. In case the office of president, vice-president or district clerk shall become vacant, the board of education shall, within thirty days thereafter, fill such vacancy for the unexpired term, and if it shall fail to fill said vacancy within the said thirty days the County Superintendent of Schools shall fill such vacancy for the unexpired term. A member of such board of education shall, before entering upon the duties of his office, take and subscribe an oath before any officer authorized by law to administer oaths, that he possesses the qualifications to be a member of said board prescribed therefor in this article, and that he will faithfully discharge the duties of his said office. Said oath shall be filed with the district clerk of said board.

Failure to organize.

Vacancies.

Oath.

Powers of district boards.

86. The board of education shall have power:

I. To appoint a person to fill a vacancy in the board of education, except a vacancy caused by a failure to elect, but the person so appointed shall serve only until the next election for members of the board of education;

II. To employ and dismiss principals, teachers, janitors, mechanics and laborers, and to fix, alter and order paid their salaries and compensation;

III. To make, amend and repeal rules, regulations and by-laws, not inconsistent with this act or with the rules and regulations of the State Board of Education, for its own government, for the transaction of business, and for the government and management of the public schools and the public school property in said district, and also for the employment and discharge of principals and teachers;

IV. To purchase, sell and improve school grounds; to erect, lease, enlarge, improve, repair or furnish school buildings and to borrow money therefor with or without mortgage; *provided*, that for any such act it shall

Proviso.

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have the previous authority of a vote of the legal voters of the district;

V. To take and condemn land and other property for school purposes in the manner provided by law regulating the ascertainment and payment of compensation for property condemned and taken for public use. If either party shall feel aggrieved by any proceedings and award thereunder, said party may appeal in the manner provided by law for appeals from such proceedings and award; *provided,* that before beginning any proceedings for taking and condemning land and other property, the board of education shall have the authority of a vote of the legal voters of the district;

VI. To insure school buildings, furniture and other school property, and to receive, lease and hold in trust for the district any and all real or personal property for the benefit of the schools thereof;

VII. To enforce the rules and regulations prescribed by the State Board of Education, select the text-books, and, in connection with the County Superintendent of Schools, to prescribe the course of study to be pursued in the school or schools under its charge;

VIII. To suspend or expel pupils from school;

IX. To provide text-books and other necessary school supplies;

X. To call a special meeting of the legal voters of the district at any time when in its judgment the interests of the schools require it, or whenever fifty of such legal voters shall request it by petition so to do. In the notices of any special meeting, called upon petition as aforesaid, shall be inserted the purposes named in said petition so far as the same are not in conflict with the provisions of this act. No business shall be transacted at any special meeting except such as shall have been set forth in the notices by which said meeting was called. Special meetings shall be called in the manner provided for calling the annual meetings;

XI. To permit a school-house to be used for other than school purposes when the board shall consent thereto;

XII. To adopt an official seal by which all its official acts may be authenticated;

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XIII. To make an annual report to the County Superintendent of Schools on or before the first day of August in the manner and form prescribed by the State Superintendent of Public Instruction;

XIV. To borrow, after the first day of July and before the first day of January, a sum not exceeding one-half of the amount appropriated for the current expenses of the schools and for the repair of school-houses under its control, and to execute and deliver promissory notes therefor, and to pay the amount so borrowed together with interest thereon, at a rate not exceeding six per centum per annum.

Supervising principal.

87. A board of education may appoint a suitable person as supervising principal of schools, define his duties and fix his salary; *provided,* that no person shall be appointed supervising principal unless he or she shall hold either a state or first-grade county certificate; *and provided further,* that the boards of education of two or more districts may unite in employing a supervising principal.

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All procedure by majority vote.

88. No principal or teacher shall be appointed, transferred or dismissed, nor the amount of his salary fixed; no school term shall be determined, nor shall any course of study be adopted or altered, nor text-books selected, except by a majority vote of the whole number of members of the board of education.

Regular meetings.

89. The board of education of every school district elected under the provisions of this article, shall meet for the transaction of business at least once in two months during the period that the schools in said district shall be in session. No contract shall be entered into by a board of education, nor shall any bill or demand for money against such board be paid until the same shall have been presented and passed on at a regularly called meeting of the board.

Itemized bills.

90. It shall be unlawful for any board of education to order paid out of the school moneys under its control, any money for school supplies, books, maps, charts, globes, fuel, erecting, enlarging, repairing, furnishing or improving school buildings and grounds, unless the person claiming said money shall first present to said board an itemized bill showing the name of the person to whom the amount of such bill is due; *provided,* that

Proviso.

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the district clerk, whenever authorized by said board, may purchase such supplies for the school or schools under its control and shall present an itemized bill of the same with his affidavit attached, which bill shall be acted on and paid as other bills are paid. Every person presenting any such bill exceeding in amount the sum of five dollars, shall make an affidavit that the goods or services itemized in said bill have been delivered or rendered, and that no bonus nor reward has been given or received by any person with the knowledge of the deponent in connection with the claim, and that said bill is correct and true. The district clerk is hereby authorized to take said affidavit without cost.

District clerk; records, duties, etc.

91. The district clerk shall record in a suitable book all proceedings of the board of education, of the annual school meetings, and of special school meetings. He shall pay out by orders on the custodian of the school moneys of the school district, and in the manner prescribed by law, all school moneys of the district. He shall keep a correct and detailed account of all the expenditures of school moneys in the district, and shall report to the board at each regular meeting the amount for which warrants shall have been drawn since the date of his last report, the accounts against which said warrants shall have been drawn, and the balance to the credit of each account. At each annual school meeting he shall present his record-books and his accounts for public inspection, and shall make a statement of the financial condition of the district, and shall file a copy of said statement with the County Superintendent of Schools. He shall post notices of the annual and of any special meeting of the legal voters, and shall insert in said notices the object or objects for which said meeting shall be called, and shall notify all members of the board of education of all regular and special meetings of the board.

Member removed for non-attendance.

92. A member of a board of education elected under the provisions of this article who shall fail to attend three consecutive regular meetings of said board, without good cause, may be removed by said board, and the vacancy thus created shall be filled in the same manner as other vacancies in the board of education shall be filled.

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Semi-annual meetings.

93. The boards of education in the several school districts in each county organized under the provisions of this article, shall meet together semi-annually at such times and places as the County Superintendent of Schools shall appoint.

Right to sue, etc.

94. A board of education may, in its corporate capacity, sue and be sued, complain and defend in any court of law and equity, and employ counsel therefor, and the amount of the expense incurred by said board in conducting or defending any such suit shall be certified to the assessor by the president and district clerk of such board, and said amount shall be assessed and collected in the next annual tax levy.

Districts may issue bonds.

95. The legal voters of each township, incorporated town or borough school district may, at any annual or special meeting of said legal voters, by the vote of a majority of those present, raise by special district tax such sum or sums as a majority of said legal voters present at such meeting may agree upon for any or all of the following purposes: to enable the board of education to purchase or take and condemn land for school purposes; to build, enlarge, repair or furnish a school-house, or to pay a debt incurred therefor; for industrial schools, for manual training, and for the current expenses of the schools, in which term shall be included principals', teachers', janitors' and medical inspectors' salaries, fuel, text-books, school supplies, flags, transportation of pupils, tuition of pupils attending schools in other districts with the consent of the board of education, school libraries, compensation of the district clerk, of the custodian of the school moneys and of truant officers; truant schools, insurance and the incidental expenses of the schools. In case any money shall be ordered to be raised by special district tax, the district clerk shall make out and sign a certificate thereof, under oath or affirmation that the same is correct and true, and deliver the same to the assessor of the taxing district in which such school district shall be situate, and shall send a duplicate of said certificate to the County Superintendent of Schools. Said assessor shall assess on the inhabitants of the school district and their estates, and the taxable property therein, in the same manner as other taxes shall be assessed, and the collector of such taxing district shall levy and

Purposes enumerated.

Assessment and collection.

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collect such sum of money as shall have been ordered to be raised by the legal voters in the manner aforesaid, and shall pay the same to the custodian of the school moneys of the school district as is in this act provided, and for collecting said tax, said collector, except such as receive a salary in lieu of fees, shall receive an amount equal to three-fourths of one per centum of the amount of said tax collected by him, said compensation to be paid by the township committee or other governing body of the municipality wherein said tax shall be collected. Said collector shall pay to said custodian on or before the twenty-second day of December in each year the full amount of said tax out of any moneys in his hands, except moneys received from the County Collector on the order of the County Superintendent of Schools; *provided,* that when there shall be no funds in the hands of said collector available for such purpose, the township committee, common council or other body having control of the finances of the municipality in which such school district shall be situate, shall borrow and appropriate a sum sufficient for such purpose; *provided further,* that when any meeting shall be held as aforesaid it shall not be lawful for such meeting to order a greater sum of money raised by special tax than shall have been mentioned and designated in the notices calling such meeting.

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Proviso.

Meeting to issue bonds; how conducted.

96. At any annual or special meeting when money shall be ordered raised for school purposes by special district tax or by the issue of bonds, the legal voters shall vote by ballot. The chairman of the meeting shall appoint two tellers who shall receive and count the ballots in his presence. The secretary of the meeting shall keep a poll-list and shall record therein the name of each person voting, and shall also keep a tally-sheet of the votes as counted. The tally-sheet shall be signed by the chairman and tellers, and said tally-sheet, poll-list and ballots shall be placed by the secretary in a sealed package, indorsed with the name of the district, the name of the county in which the district shall be situate, and the date on which said election shall have been held, and said package, together with a statement of the results of such election, signed by the chairman and secretary, shall, within five days after

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the date of said meeting, be forwarded by said secretary to the County Superintendent of Schools, and the same shall be preserved by him for one year.

Issuance of bonds.

97. The legal voters of any township, incorporated town or borough school district may, either at the annual meeting of said district or at a special meeting thereof called for that purpose, by the vote of a majority of those present authorize the board of education to issue bonds of the district for the purpose of purchasing or taking and condemning land for school purposes, or building a school-house or school-houses, or making additions, alterations, repairs or improvements in or upon any school-house and the lands upon which the same shall be located, and of purchasing school furniture and other necessary equipment. Such bonds shall be issued in the corporate name of the district, for such sums and in such amounts and payable at such times as the legal voters so met shall direct, with interest at a rate not exceeding six per centum per annum, payable half-yearly. Said bonds shall be signed by the president of the board of education and attested by the district clerk, shall bear the seal of the district, and shall have coupons attached for current payment of interest, which coupons shall be signed by the district clerk and shall be numbered to correspond to the several bonds to which they shall be severally attached. Bonds so issued shall be numbered and a proper registry thereof shall be kept by the district clerk. Such bonds may be sold at public or private sale for the best obtainable price, but not less than par.

Description.

Renewal of bonds.

98. Whenever bonds shall have been legally issued by any township, incorporated town or borough school district, and the same shall be due and unpaid or outstanding, the board of education of such district, when authorized so to do by the legal voters thereof at an annual meeting of said district, or at a special meeting thereof called to act thereon, shall have power to renew such outstanding bonds or any part thereof by the issuing of new bonds for that purpose, in the name and under the seal of said district. Such bonds shall be in the general form of the bonds theretofore issued by said district, shall be signed by the president of the board of education and attested by the district clerk,

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shall bear the seal of the district, shall bear interest at a rate not exceeding six per centum per annum, and shall be issued for such sums and in such amounts and payable at such times as the legal voters at such meeting shall direct. Such bonds shall have coupons attached for current payment of interest, which coupons shall be signed by the district clerk and shall be numbered to correspond to the several bonds to which they shall be severally attached. Bonds so issued shall be numbered and a proper registry thereof kept by said district clerk. They may be sold at public or private sale for the best obtainable price, but not less than par, and the money realized from such sale shall be applied to the taking up and cancellation of such outstanding bonds; or said renewal bonds may be exchanged for such outstanding bonds on an equal basis of principal and interest, and the bonds so redeemed shall be forthwith canceled by the board of education of said district.

Proceeds of sale.

99. Bonds of any school district issued under the provisions of this article shall be a lien upon the real estate situate in said district, and the personal estates of the inhabitants of the said district, as well as the property of said district, and said estates and property shall be liable for the payment of the same. Whenever bonds shall be authorized to be issued by any school district as aforesaid, the district clerk shall transmit certified copies of the record of the proceedings authorizing the issuing of such bonds to the Attorney-General for his approval of the legality of said proceedings, and duplicate copies of such record shall be filed with the State Superintendent of Public Instruction.

Bonds a lien.

100. Whenever a township, incorporated town or borough school district shall have ordered and authorized the issue of bonds and the same shall have been issued, the district clerk shall, each and every year issue to the assessor of the taxing district in which such school district shall be situate, an order directing him to assess upon the owners of property in said taxing district and their estates, and the taxable property therein, an amount sufficient to pay the bond or bonds maturing in such year, together with the interest accru-

Notice to assessor.

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ing upon all the unpaid bonds of such district, which order so issued as aforesaid shall be duly executed by said assessor. The moneys so assessed shall be levied and collected by the collector of said taxing district who shall, on or before the fifth day of January next thereafter, pay the full amount so ordered to be assessed, levied and collected to the custodian of the school moneys of said school district, who shall, upon the receipt of the orders of the board of education, signed by the president and attested by the district clerk (which orders shall state at what bank the said principal and interest shall be payable), deposit in such bank the sum of money necessary to pay the principal and interest as they shall become due and payable.

Collection.

Cancellation of bonds.

101. On the taking up of outstanding bonds, or on the payment of bonds of any township, incorporated town or borough school district the board of education of such district shall forthwith cancel the same, and when so canceled they shall be deposited in the office of the State Superintendent of Public Instruction.

Report to state superintendent.

102. The district clerk in any district in which there shall be any interest-bearing school debt shall, on or before the first day of August in each year report to the State Superintendent of Public Instruction the amount of such debt then remaining unpaid, together with the rate of interest, the date or dates on which the bonds, notes or other evidences of indebtedness were issued, and the date or dates on which they will fall due.

Consolidation of districts.

103. Whenever a township, incorporated town or borough school district shall desire to consolidate with an adjoining township, incorporated town or borough school district, the board of education of said district shall petition the County Superintendent of Schools of the county in which said district shall be situate, to appoint a time when meetings of the legal voters of the districts proposed to be consolidated shall be held, and said County Superintendent of Schools shall, upon receiving said petition, appoint a day for said meetings, and shall notify the board of education of each of said districts of his action. Each board of education receiving such notification shall cause its district clerk to post notices calling a special meeting of the legal voters

Time, notice, election.

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of the district for the purpose of voting on the question of the consolidation of said districts. Said meeting shall be called in the same manner as other special meetings are called, and shall be held on the day designated therefor by the County Superintendent of Schools, at such hour and place as may be determined by the board of education. The election shall be by ballot, and the chairman shall appoint two tellers who shall receive and count the ballots in the presence of the chairman of the meeting. The secretary of the meeting shall keep a poll list and shall record therein the name of each person voting at such meeting, and shall also keep a tally sheet of the votes as counted by the tellers. The tally sheet shall be signed by the chairman and tellers, and said tally sheet, poll list and ballots shall be placed in a sealed package by the secretary, indorsed with the name of the district, the name of the county in which said district shall be situate, and the date on which said election shall have been held, and said package, together with a statement of the result of said election, signed by the chairman and secretary, shall be within five days after the date of said election forwarded by said secretary to the County Superintendent of Schools, and the same shall be preserved by him for one year. If the County Superintendent of Schools shall ascertain from said statements that the number of votes cast in each of said districts in favor of consolidation exceeds the number of votes cast against the same, he shall immediately notify each of the boards of education of the result of said election, and thereafter said districts shall constitute but one district.

Report to, and action by, county superintendent.

104. The board of education of each district consolidated in the manner provided in the preceding section shall, upon receipt of the notice from the County Superintendent of Schools of such consolidation, select by lot four of its number to serve as members of the board of education of the consolidated district, and the eight members so selected shall select the ninth member of said board from among the remaining members of the board of education of that district which shall employ the greater number of teachers; *provided,* that if the board of education of one of the districts so consolidated shall consist of but three members, all of said

Trustees of consolidated district.

Proviso.

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members shall be members of the board of education of the consolidated district, and four members of said board shall be chosen as hereinbefore provided from the board of education of the other district so consolidated; *and provided further,* that if each of said boards of education shall consist of three members only, said board shall constitute the board of education of the consolidated district, and the board constituted as hereinbefore provided shall serve until the next annual meeting for the election of members of boards of education, and the terms of office of the remaining members of the board of education of each of said districts so consolidated shall thereupon cease and determine. At said annual meeting a board of education shall be elected as provided for the election of members of boards of education in new township school districts.

Proviso.

Powers and duties of board.

105. The board of education of such consolidated district shall be a body corporate and shall have all the powers and duties and be subject to the same restrictions as a board of education in a township school district, and shall be known as and called "the board of education of the ——— of ——— (here insert the name of the municipality in which was situate that district consolidated as aforesaid which had the larger amount of taxable property as ascertained from the last published report of the State Comptroller), in the county of ———."

ARTICLE VIII.

TEACHERS.

Teachers; term, salary, etc.

106. A board of education may make rules and regulations governing the engagement and employment of teachers and principals, the terms and tenure of such employment, and the promotion and dismissal of such teachers and principals, the salaries, and the time and mode of payment thereof, and may from time to time change, amend or repeal such rules and regulations. The employment of any teacher by such board, and the rights and duties of such teacher with respect to such employment, shall be dependent upon and shall be governed by the rules and regulations in force with

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reference thereto. If a board of education shall not have made rules and regulations as aforesaid, then no contract between such board of education and a teacher shall be valid unless the same be in writing, or partly written and partly printed, in triplicate, signed by the president and district clerk or secretary of the board of education and by the teacher. One copy thereof shall be filed with the board of education, one copy with the teacher and one copy with the county or city superintendent. Such contract shall specify the date when such teacher shall begin teaching, the kind and grade of certificate held by said teacher and the date when said certificate will expire, the salary, and such other matter as may be necessary to a full and complete understanding of the same. In every such contract, unless otherwise specified, a month shall be construed and taken to be twenty school days or four weeks of five school days each. The salary specified in every such contract shall be paid in equal monthly installments, not later than five days after the close of each month while the school shall be in session. Any contract or engagement between a board of education and a teacher shall cease and determine and be of no effect against said board whenever said board shall ascertain by notice in writing received from the county or city superintendent or otherwise, that said teacher is not in possssion of a proper teacher's certificate in full force and effect, notwithstanding the term or engagement for which such contract shall have been made may not then have expired. The State Superintendent of Public Instruction shall prepare and distribute blanks for contracts between boards of education and teachers.

Contract.

School month.

107. In case the dismissal of any teacher before the expiration of any contract entered into between such teacher and a board of education shall, upon appeal, be decided to have been without good cause, such teacher shall be entitled to compensation for the full term for which said contract shall have been made; but it shall be optional with the board of education whether such teacher shall or shall not teach for the unexpired term.

In case of dismissal.

108. If a teacher employed by a board of education shall leave the school before the expiration of the term of his or her employment, without the consent of the

Leaving without consent.

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board of education, said teacher shall be deemed guilty of unprofessional conduct, and the State Superintendent of Public Instruction is authorized, upon receiving notice of such fact, to suspend the certificate of such teacher for a period not exceeding one year.

Keeping school register.

109. Every teacher in a public school shall keep a school register in the manner provided therefor, and no salary shall be paid to such teacher until the district clerk or other officer or person authorized to deliver the check, order or warrant for such salary shall ascertain that such register has been properly kept for the time for which salary is demanded, and shall enter upon said register a certificate to that effect. The check, order or warrant for the balance of salary due any teacher at the time of closing the school for the summer vacation, or of leaving the school before the end of the school year, shall not be delivered to such teacher until the district clerk or other officer authorized to deliver such check, order or warrant shall have received written notice from the county or city superintendent that such teacher has filed with him his or her annual report on the blank furnished for that purpose by the State Superintendent of Public Instruction; *provided,* that in any school in which more than one teacher shall be employed the principal thereof shall furnish such report.

Proviso.

Observation of holidays.

110. No teacher shall be required to teach school on any day declared by law to be a public holiday, and no deduction from a teacher's salary shall be made by reason of the fact that a school day happens to be a day declared by law to be a public holiday. Any contract made in violation of this section shall have no force or effect as against a teacher.

Authority over pupils.

111. A teacher shall hold every pupil accountable in school for disorderly conduct on the way to or from school, or on the play-grounds of the school, or during recess, and shall suspend from school any pupil for good cause; *provided,* that such suspension shall be reported forthwith by the teacher to the board of education; *provided further,* that in any school in which more than one teacher shall be employed the principal alone shall have the power to suspend a pupil.

Proviso.

Proviso.

Corporal punishment forbidden.

112. No principal, teacher or other person employed or engaged in any capacity in any school or educational

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institution, whether public or private, shall inflict or cause to be inflicted corporal punishment upon any pupil attending such school or institution, and every resolution, by-law, rule, ordinance or other act or authority heretofore or hereafter passed, adopted, approved, made or given by any person or persons whomsoever, natural or artificial, permitting or authorizing corporal punishment to be inflicted upon any pupil attending or that may attend any school or educational institution shall be henceforth void and of no force or effect.

Certificate necessary.

113. No teacher shall be entitled to any salary unless such teacher shall be the holder of an appropriate teacher's certificate.

Religious exercises.

114. No religious service or exercise, except the reading of the Bible and the repeating of the Lord's Prayer, shall be held in any school receiving any portion of the moneys appropriated for the support of public schools.

Exemption from jury duty.

115. No teacher shall be required to serve on any jury in this state while his school shall be in session.

ARTICLE IX.

PUPILS.

Schools free; age.

116. Public schools shall be free to all persons over five and under twenty years of age who shall be residents of the school district. Non-residents of a school district, if otherwise competent, may be admitted to the schools of said district with the consent of the board of education upon such terms as said board may prescribe; *provided*, that the authority to charge tuition for non-resident pupils conferred by this section shall not apply to non-resident pupils transferred to any district by an order of the County Superintendent of Schools.

Proviso.

Transportation of pupils.

117. Whenever in any district there shall be children living remote from the school-house, the board of education of such district may make rules and contracts for the transportation of such children to and from school. Nothing in this section shall be so construed as to prohibit a board of education from making contracts for the transportation of children to a school in an adjoining district when such children shall be transferred to

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said district by order of the County Superintendent of Schools, or when any children shall attend school in a district other than that in which they shall reside by virtue of an agreement made by the respective boards of education.

Concerning children remote from school.

118. Any child living remote from any public school in the district in which he or she shall reside, shall be allowed to attend a public school in an adjoining district with the consent of the County Superintendent of Schools, which consent shall be in writing, and one copy thereof filed with the district clerk or secretary of the board of education of the district in which such child shall reside, and one copy filed with the district clerk or secretary of the board of education of the district in which such child shall attend school; and in case the districts shall not be in the same county, the written consent of the County Superintendent of Schools of each county shall be obtained.

Attendance at higher grade school.

119. Any child who shall have completed the course of study pursued in the schools in the district in which he or she shall reside may, with the consent of the board of education of said district and of the board of education of a district in which he or she shall desire to attend school, be admitted to a school of higher grade in said last-mentioned district. Said boards of education shall determine the amount to be paid for the education of such child, and the board of education of the district in which such child shall reside shall issue an order for said amount, signed by the president and district clerk or secretary of the board of education, in favor of the custodian of the school moneys of the school district in which such child shall attend school, which order shall be paid by the custodian of the school moneys of the first-mentioned district out of any moneys in his hands available for the current expenses of said district.

Submission to authority.

120. Pupils in the public schools shall comply with the regulations established in pursuance of law for the government of such schools; shall pursue the prescribed course of study, and shall submit to the authority of the teacher. Continued and willful disobedience, open defiance of the authority of the teacher, the use of habitual profanity or obscene language shall be good cause

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for suspension or expulsion from school. Any pupil who shall cut, deface or otherwise injure any school-house, furniture, fences, out-buildings or other property of the school district shall be liable to suspension and punishment, and the parents or guardians of such pupil shall be liable for damages to the amount of the injury; said amount to be collected by the board of education in any court having juisdiction, together with the costs of said action. Parents liable for pupil's damage.

121. A board of education may exclude from school any teacher or pupil who shall not have been duly vaccinated, unless such teacher or pupil shall present a certificate signed by a regularly licensed physician, that such teacher or pupil is an unfit subject for vaccination. No teacher or pupil who shall be a member of a household in which a person shall be ill with small pox, diphtheria, scarlet fever, whooping cough, yellow fever, typhus fever, cholera, or measles, or of a household exposed to contagion as aforesaid, shall attend any public school during such illness, nor until the board of education shall have been furnished with a certificate from the board of health, or from the physician attending such person, or from a medical inspector, certifying that all danger of communicating such disease by such teacher or pupil has passed. Concerning disease and vaccination.

122. In case any pupil enrolled in a public school shall be found to be unvaccinated, whose parents shall be in the judgment of the board of education unable to pay for the vaccination of such pupil, the district clerk or secretary of the board of education may give to said pupil a permit to appear before any regularly licensed physician to be vaccinated, and such physician, on presenting said permit with his certificate appended thereto that the vaccination has been by him successfully performed, shall receive from the township, city, incorporated town, borough or other municipality in which said pupil shall reside the sum of fifty cents. Vaccination at public expense.

123. Whenever the board of health of any township, city, incorporated town, borough or other municipality shall declare any epidemic or cause of ill-health to be so injurious or hazardous as to make it necessary to close any or all of the public schools in such township, city, incorporated town, borough or other municipality, Schools closed during epidemic.

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said board shall immediately serve notice on the board of education of the school district situate in said township, city, incorporated town, borough or other municipality that it is desirable to close said school or schools. Upon receipt of such notice such board of education may close the schools under its control, or such of them as may be designated by the board of health, and said schools shall not be reopened until said boards of education shall be satisfied that all danger from said epidemic or cause of ill-health has been removed.

When pupils admitted.

124. Children who shall have never attended any public or private school may be admitted to a public school during the ten days immediately following the opening of said school for the fall term, during the first five days in January and April respectively, and at no other time except by a majority vote of all the members of the board of education of the school district in which said school shall be situate.

No exclusion.

125. No child between the age of four and twenty years shall be excluded from any public school on account of his or her religion, nationality or color. A member of any board of education who shall vote to exclude from any public school any such child, on account of his or her religion, nationality or color shall be guilty of a misdemeanor, and punished by a fine of not less than fifty dollars nor more than two hundred and fifty dollars, or by imprisonment in the county jail, workhouse or penitentiary of the county in which the offense shall have been committed, for not less than thirty days nor more than six months, or by both fine and imprisonment in the discretion of the court.

ARTICLE X.

SCHOOL-HOUSES.

Suitable accommodations.

126. Each school district shall provide suitable school facilities and accommodations for all children residing in the district and desiring to attend the public schools therein. Whenever such school facilities or accommodation shall be inadequate and unsuited to the number of pupils attending or desiring to attend such

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schools, the County Superintendent of Schools shall transmit to the custodian of the school moneys of the school district an order directing him to withhold from the district all moneys in his hands to the credit of such school district received from the state appropriation or from the state school tax until suitable facilities or accommodation shall be provided, and shall notify the board of education of such district of his action with the reasons therefor. Such order shall not take effect until approved in writing by the State Superintendent of Public Instruction, and said approval shall state when said order shall take effect.

Penalty for non-compliance.

127. Each board of education shall provide at least two suitable and convenient outhouses or water-closets for each of the school-houses under its control. Said outhouses or water-closets shall be entirely separated each from the other and shall have separate means of access. Said outhouses and said water-closets, if detached from the school-house, shall be separated by a substantial close fence not less than seven feet in height. The board of education shall have said outhouses and water-closets kept in a clean and wholesome condition. The question of raising the amount needed to carry into effect the provisions of this section shall not be submitted to the legal voters of the school district, but the board of education shall notify the assessor or assessors and collector, by notice signed by the president and district clerk or secretary, of the amount needed for such purpose, and such amount shall be assessed, levied and collected at the same time and in the same manner as other special school taxes are assessed, levied and collected.

Suitable water-closets.

Amount raised without submission to voters.

128. The State Superintendent of Public Instruction shall procure architects' plans and specifications for school buildings, and full detail working plans therefor. In the preparation of such plans due regard shall be given to proper heating, lighting, ventilating and other hygienic requirements. Said plans and specifications shall be approved by the State Board of Education and shall be loaned to any district desiring to erect a new school building.

Building plans.

129. In order that due care may be exercised in the heating, lighting, ventilating and other hygienic condi-

Approval of plans by state board.

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tions of public school buildings hereafter to be erected, all plans and specifications for any such proposed school building shall be submitted to the State Board of Education for suggestion and criticism before the same shall be accepted by the board of education of the district in which it is proposed to erect such building.

Doors.

130. In any school-house of two or more stories in height, the doors leading from the class-rooms to the corridors and from said corridors to the street or to the ground surrounding such school-house shall open outwardly. All swing-doors shall have plate-glass windows of suitable dimensions.

Requirements in erecting school-houses.

131. In order that the health, sight and comfort of the pupils may be properly protected, all school-houses hereafter erected shall comply with the following conditions:

I. Light shall be admitted from the left, or from the left and rear of class-rooms, and the total light area must, unless strengthened by the use of reflecting lenses, equal at least twenty per centum of floor space;

II. School-houses shall have in each class-room at least eighteen square feet of floor space and not less than two hundred cubic feet of air space per pupil. All school buildings shall have an approved system of ventiiation by means of which each class-room shall be supplied with fresh air at the rate of not less than thirty cubic feet per minute for each pupil;

III. All ceilings shall be at least twelve feet in height;

IV. All stairs, except cellar stairs, shall be not less than four feet in width and shall have intermediate landings. The several flights of stairs shall be enclosed by brick walls or by partitions of slow burning construction, and without open well holes. The risers of stairs shall not exceed seven and one-half inches in height, and the treads shall be at least ten inches in width, exclusive of the projecting nosings;

V. Every school-house having eight rooms shall have two flights of stairs of not less than four feet in width, or, in lieu thereof, one flight of stairs situated near the center of the building, not less than six feet in width;

VI. Every school building having more than eight and less than sixteen rooms, shall have two flights of stairs not less than five feet in width;

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VII. Every school-house having sixteen or more rooms shall have three flights of stairs not less than four feet in width, or, in lieu thereof, two complete flights of stairs not less than six feet in width;

VIII. Every building more than one story in height shall have metal ceilings, wooden ceilings painted white or some light tint or plastered ceilings on metal lath.

ARTICLE XI.

UNION GRADED SCHOOLS.

Establishment of union-graded schools.

132. Whenever the boards of education of two or more adjoining school districts shall deem it for the best interests of the children that said districts shall unite in establishing and maintaining a union-graded school, each of said boards shall cause its secretary or district clerk to insert in the notices calling any annual or special meeting of the legal voters, a notice that the question of establishing such union-graded school will be submitted at such meeting. The legal voters shall vote by ballot, and at any such meeting the secretary thereof shall keep a poll-list of the legal voters voting on such question, and a tally-sheet of the ballots as counted by the tellers. Said ballots, poll-list and tally-sheet, which tally-sheet shall be signed by the chairman of the meeting and by said secretary, shall be, by said secretary, within five days after the date of said meeting, transmitted to the County Superintendent of Schools in a sealed package endorsed with the name of the district, of the county in which it shall be situate, and the date of the meeting. Said secretary shall also transmit to said County Superintendent of Schools a certificate of the result of such vote signed by said chairman and secretary. In case the districts shall be situate in different counties, said secretary shall transmit the ballots and other papers hereinbefore described to the County Superintendent of Schools of the county in which the district shall be situate, and shall transmit a duplicate of the certificate of the result of such vote to the County Superintendent of Schools of the county in which the other district or districts shall be situate. If the County Superintendent of Schools shall ascertain

Meeting.

Results of.

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from such certificates that the total number of votes cast in each of said districts in favor of establishing such union-graded school exceeds the total number of votes cast in each district against the same, he shall immediately notify each of the boards of education of the result of such vote.

Union school boards, how constituted.

133. Whenever two or more districts shall have voted to establish a union-graded school as provided in the preceding section, the board of education of such union-graded school shall be constituted as follows:

I. If two districts shall unite for the purpose aforesaid, the board of education of each of said districts shall appoint two of its members as members of the board of education of said union-graded school;

II. If three or more districts shall unite for the purpose aforesaid, the board of education of each of said districts shall appoint one of its members as aforesaid.

Notification to county superintendent.

134. Each board of education shall notify the County Superintendent of Schools of the names of the persons so appointed as aforesaid, and the persons so appointed shall continue to be members of the board of education of such union-graded school until the second Tuesday in April next after their terms of office as members of their respective boards of education shall have expired, and their successors shall be appointed on or before the first day of April in like manner and for a like term. The members so appointed as aforesaid shall continue to act as members of the boards of education in their respective districts.

Removals and vacancies.

135. A member of a board of education of a union-graded school or the president or secretary thereof, may be removed in the same manner as is provided in this act for the removal of an officer or member of a board of education. Any vacancy in such board shall be filled by the board of education of the district which by reason of such vacancy has not its full representation on the board of education of such union-graded school.

Corporate name.

136. Each board of education appointed as provided in this article shall be a body corporate, and shall be known as and called "the board of education of the union-graded school of the school districts of ——— and ——— (here insert the names of the districts), in

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the county of ———" (here insert the name of the county in which the school-house shall be located).

Organization.

137. The board of education of each union-graded school shall forthwith, after its first appointment, organize by the election of one of its members as president and a secretary, who shall serve until the second Tuesday in April next after their election, on which day and annually thereafter said board shall organize by the election of the officers aforesaid. Said board shall appoint a suitable person as custodian of school moneys of said union-graded school and shall fix his salary and term of office. Said custodian shall have the powers and be charged with the duties conferred or imposed by this act upon custodians of school moneys of school districts, and shall give such bond in such amount and with such sureties as said board shall direct, but said bond shall be for a sum not less than the amount annually apportioned to such school by the County Superintendent of Schools.

Custodian of school moneys.

Powers of union-graded school boards.

138. The board of education of a union-graded school shall have power:

I. To purchase, sell and improve school grounds, to erect, lease, enlarge, improve, repair or furnish school buildings; to borrow money with or without mortgage and to raise money by taxation for any such purpose, or to pay debts incurred therefor, or for the current expenses of the schools; *provided,* that for any such acts it shall have the previous authority of a majority vote of the board of education of each of the districts uniting in establishing said union-graded school;

Proviso.

II. To take and condemn land and other property for school purposes, in the manner provided by law regulating the ascertainment and payment of compensation for property condemned and taken for public use. If either party shall feel aggrieved by any proceedings and awards thereunder, said party may appeal in the manner provided by law for appeals from such proceedings and awards; *provided,* that before beginning any proceedings for taking and condemning land and other property, the board of education shall have the authority of a majority vote of the board of education of each of the districts uniting in establishing said union-graded school;

Proviso.

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III. To determine, subject to the approval of a majority of the board of education of each of the districts uniting in establishing such union-graded school, the amount needed to purchase land for school purposes; to erect and furnish a suitable school-house, or to lease a school-house already erected, and for the current expenses of such school, in which term shall be included principals', teachers', janitors' and medical inspectors' salaries, fuel, text-books, school supplies, flags, school libraries, salaries of secretary and custodian of school moneys, insurance and the incidental expenses of such school. The amount of money thus determined shall be certified by the secretary of said board to the assessors of the several taxing districts in which the school districts uniting as aforesaid shall be situate, and said assessors shall apportion said amount among said several taxing districts in the proportion that the ratables of each bear to the total ratables of all said taxing districts, and the amount thus apportioned to each taxing district shall be assessed, levied and collected in the same manner and at the same time as other school taxes shall be assessed, levied and collected therein, and shall be paid by the several collectors to the custodian of school moneys of such union-graded school on or before the fifth day of January next after the same shall become due and payable to said several collectors;

IV. To adopt an official seal by which all its official acts may be authenticated;

V. To appoint a supervising principal and fix his salary, which principal shall be also the supervising principal of the schools in the districts uniting in establishing such union-graded school. Such supervising principal shall hold a state or a first-grade county certificate.

Apportionment of moneys in union school districts.

139. In making the annual apportionment of school moneys, the County Superintendent of Schools shall make an apportionment to such union-graded school on the same basis and in the same manner as to the school districts in the county in which such union-graded school shall be situate. If the districts which shall have united in establishing such union-graded school shall be situate in different counties, the County Superintendent of Schools of each of such counties in

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making his annual apportionment of school moneys, shall apportion to such union-graded school three hundred dollars for the supervising principal and one hundred dollars for each teacher employed therein during the year preceding that for which said apportionment shall be made, and in addition thereto shall apportion an additional sum on the basis of the aggregate days attendance of all pupils, residents of such county, who shall have attended such union-graded school during the year preceding that for which said apportionment shall be made.

Powers and duties of board.

140. The board of education of a union-graded school shall have all the powers and be charged with all the duties conferred or imposed upon a board of education in a township school district, so far as the same are not inconsistent with the provisions of this article.

Supervision.

141. Each union-graded school shall be under the supervision and control of the County Superintendent of Schools of the county in which the school-house shall be situate.

If necessary to raise money.

142. In case a board of education of a union-graded school shall decide that it is necessary to raise money to purchase land for school purposes, and for the erection and furnishing of a school-house or for the purchase thereof by the issue of bonds, it shall notify the board of education of each of the districts which shall have united in establishing such union-graded school, of the amount needed, the number of bonds to be issued, the denomination of such bonds, the maximum rate of interest thereon, and the time or times of payment. Each of such boards, upon receiving such notification, shall forthwith call a meeting of the legal voters of its district, and shall submit to said meeting the question of issuing such bonds as proposed by the board of education of such union-graded school, and the district clerk of the board of education of each of said districts shall transmit to the board of education of such union-graded school certified copies of the record of the proceedings of the board of education and of the legal voters of said district thereon. If from said certified copies it shall appear that a majority of the legal voters present at such meeting in each of said districts, shall have voted in favor of

Question submitted to voters.

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the issue of such bonds, the secretary of the board of education of such union-graded school shall transmit such certified copies, together with certified copies of the record of the proceedings of the board of education of such union-graded school concerning the issue of such bonds, to the Attorney-General for his approval of the legality of all said proceedings, and shall file duplicate certified copies of the record of all such proceedings with the State Superintendent of Public Instruction, and, upon the approval thereof by the Attorney-General, said bonds may be issued and sold by said board.

Approval of attorney-general.

Description of bonds.

143. Bonds authorized as provided in this article shall be issued in the corporate name of the board of education of the union-graded school; shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually; shall be signed by the president of said board and attested by the secretary; shall bear the seal of said board, and shall have coupons attached for current payment of interest, which coupons shall be signed by the secretary, and shall be numbered to correspond to the bonds to which they shall be severally attached. Bonds so issued shall be numbered and a proper registry thereof kept by the secretary, and may be sold at public or private sale for the best obtainable price, but not less than par. Such bonds when issued shall be a lien upon the real estate situate in each of the districts which shall have united in establishing such union-graded school, and the personal estates of the inhabitants of each of said districts, as well as the property of each of said districts, and said estates and property shall be liable for the payment of the same.

Provision for interest and redemption.

144. Whenever bonds shall have been issued by the board of education of a union-graded school, the secretary of such board shall, each and every year, certify to the assessors of the several taxing districts in which the several school districts which shall have united in establishing such union-graded school shall be situate, the amount which shall become due during such year for principal and interest of such bonds. The amount so certified shall be apportioned and assessed by said assessors in the same manner and in the same proportion as taxes for the current expenses of such union-graded school shall be apportioned and assessed, and the moneys

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so assessed shall be levied and collected by the collectors of the several taxing districts, and the said collectors shall, on or before the fifth day of January next thereafter, pay the full amount so ordered to be assessed, levied and collected to the custodian of the school moneys of said union-graded school, who shall, upon receipt of the orders of said board of education (which orders shall state at what bank said principal and interest are payable), deposit in such bank the sum of money necessary to pay said principal and interest as they shall become due and payable.

ARTICLE XII.

KINDERGARTENS.

Kindergartens.

145. The board of education of any school district may establish a kindergarten school or a kindergarten department in any school under its control, and shall admit to such kindergarten school or department any child over the age of four and under the age of seven years who shall be a resident of the district; *provided,* that no child under the age of five years shall be admitted to any public school unless such school shall be a regularly organized kindergarten school or shall have a kindergarten department.

Proviso.

Kindergartners' special certificate.

146. Every teacher in a kindergarten school or department shall hold a special kindergarten certificate, issued either by the State Board of Examiners or the board of examiners of the county or city in which he or she shall be teaching.

Expenses.

147. The expense of kindergarten schools or departments shall be paid out of any moneys available for the current expenses of the schools, and in the same manner and under the same restrictions as the expenses of the other schools or departments shall be paid.

ARTICLE XIII.

EVENING SCHOOLS.

Night schools.

148. The board of education of any school district may establish and maintain public evening schools for

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the instruction of persons over twelve years of age residents of the district, and unless such evening schools shall be maintained for a term of not less than four months in each year, each of said months to consist of at least sixteen evening sessions of at least two hours each, said district shall not be entitled to any apportionment on the basis of the number of teachers employed in such schools during the year preceding that for which the apportionment shall be made.

Expenses.

149. The expenses of evening schools shall be paid out of any moneys available for the current expenses of the schools, and in the same manner and under the same restrictions as the expenses of day schools shall be paid.

ARTICLE XIV.

TEXT-BOOKS AND SUPPLIES.

Free text-books.

150. Text-books and school supplies shall be furnished free of cost for use by all pupils in the public schools. Every school district shall raise and appropriate annually in the same manner as other school moneys shall be raised and appropriated in such district an amount sufficient to pay for such text-books and supplies.

Use of.

151. Every board of education shall make rules for the safe keeping and proper care of text-books, and shall keep an account of all moneys expended by it for such text-books and supplies, and shall report the same in its annual financial statement.

School officers disinterested.

152. It shall be unlawful for any County Superintendent of Schools, member of a board of education, teacher or any person officially connected with the public schools to be agent for, or to be in any way pecuniarily or beneficially interested in the sale of any text-books, maps, charts, school apparatus or supplies of any kind or to receive compensation or reward of any kind for any such sale, or for unlawfully promoting or favoring the same. A violation of the provisions of this section shall be punishable by removal from office or by revocation of certificate to teach.

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ARTICLE XV.

COMPULSORY EDUCATION.

153. Every parent, guardian or other person having the legal control of a child between the ages of seven and fourteen years, shall, unless such child is being taught at home in the branches usually taught in public schools to children of his or her age, send such child to a day school each day while such school shall be in session, unless it shall be shown to the satisfaction of the board of education of the school district in which such parent, guardian or other person shall reside, that the bodily or mental condition of such child is such as to prevent his or her attendance at school.

Penalty for failure to comply with section 153.

154. Any parent, guardian or other person having the legal control of any child who shall fail to comply with the provisions of section one hundred and fifty-three of this act shall be deemed to be a disorderly person and upon sworn complaint made by the truant officer or other person designated, to any justice of the peace, police justice or city or town recorder acting as such within the municipality wherein such school district shall be situate, shall be apprehended upon warrant issued to any constable of the county, and upon conviction shall be punishable as a disorderly person.

Truant officers.

155. The board of education of each school district may appoint, and may remove at pleasure, one or more persons to be designated as truant officers, and may fix their compensation, prescribe their duties, not inconsistent with the provisions of this article, and shall make rules and regulations for the performance of such duties.

Police as truant officers.

156. The police authorities in any municipality having an organized police force shall, upon the written request of the board of education of the school district situate in such municipality, detail one or more members of said police force to act as truant officers. Any police officer so detailed shall have all the powers granted to truant officers under the provisions of this article as fully as if appointed as such

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truant officers by the board of education. Whenever the words "truant officer" are used in this article, the same shall apply as well to the person or persons designated under section one hundred and fifty-five, as to those designated in this section.

Juvenile disorderly persons.

157. Every child between the ages of seven and fourteen years who shall be repeatedly absent from school, or found away from home during school hours, or whose parent, guardian or other person having legal control of such child is unable to cause him to attend school, or who shall be habitually a truant from school, or who shall habitually wander about the streets and public places of any municipality during school hours having no lawful business or occupation, or any pupil who shall be incorrigible, actually vagrant, vicious or immoral in conduct or who shall fail to comply with the provisions of sections one hundred and sixty-one and one hundred and sixty-two of this act shall be deemed and adjudged to be a disorderly person and proceeded against as provided in section one hundred and fifty-nine of this act.

Duties of truant officers.

158. Every truant officer or other person designated by a board of education, who shall find any child between seven and fourteen years of age away from home during school hours who shall then be a truant from school, shall take such child and deliver him to his parent, guardian or other person having legal control of such child, or to the teacher of the school which said child is lawfully required to attend. Said truant officer or other person shall examine into cases of children or pupils coming under the provisions of this act, when requested so to do by the inspector of factories and workshops or by the board of education of the district for which he shall have been appointed or detailed, and shall thereupon warn such child or pupil, its parent, guardian or other person having legal control of such child or pupil in writing of the consequences of any of the acts as set out in section one hundred and fifty-seven, if persisted in, and shall request that said pupil shall improve his conduct or said child attend school within five days from serving said notice in writing, and shall attend regularly thereafter, whereupon if said parent, guardian or other person having the legal control of said

Notification.

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child or pupil shall fail, neglect or refuse to admonish said pupil for his conduct, or fail, neglect or refuse to cause said child to attend school within said period, said parent, guardian or other person having the legal control of said child or pupil shall be deemed to be a disorderly person.

Complaint.

159. In the case of the offenses set out in section one hundred and fifty-seven it shall be the duty of the truant officer or other person designated, when requsted by the board of education of the school district, to make a complaint thereof under oath before any justice of the peace, police justice or city or town recorder of the municipality where such school district shall be situate, who shall issue his warrant directed to any constable of the county to immediately apprehend such child so complained of and bring him before him, who, after an examination had as to the offense charged may either direct said child so complained of to be delivered to his parent, guardian or other person entitled to its legal control, or to the teacher of the class in the school at which said child shall or ought to attend, or send the complaint to the clerk of the court for the trial of juvenile offenders, meanwhile committing such boy or girl to the county jail to await trial or punishment as a juvenile offender, or parole him or her to await trial as such before the court for the trial of juvenile offenders in and for the county in which such school district shall be situate.

Apprehension.

Disposition of child.

Officer's report.

160. Such truant officer shall report promptly every such arrest and the disposition made of such arrested child to the board of education of the school district where said child shall be lawfully required to attend school, or to such person as said board may direct.

Parental school.

161. The board of education of any school district may establish and maintain a school or schools, or may set apart separate rooms in a public school building for the use, restraint and instruction of children between the ages of seven and fourteen years who shall be habitual truants from school, or who shall be habitually insubordinate or incorrigible and disorderly during their attendance at school. Such school or room shall be known as a parental school.

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Compel attendance.

162. Said board of education may compel any such child to attend such parental school and, with the consent, in writing, of the parent, guardian or other person having legal control of such child, may cause such child to be restrained and instructed therein for such a period and under such rules and regulations as said board of education may prescribe.

Failure to attend.

163. If any such child shall not attend such school, then he or she shall be proceeded against as a disorderly person as set out in sections one hundred and fifty-seven and one hundred and fifty-nine of this act.

Maintenance of parental schools.

164. Any parental school established under the provisions of this article shall be maintained as other public schools shall be maintained in the district in which it shall be situate under such rules and regulations as the board of education of such district may prescribe.

When children of adjacent district may be sent to parental school.

165. The board of education of a school district in which there shall be no parental school, may send children who shall be residents of such school district and who shall be habitual truants or insubordinate or incorrigible as defined in this article, to a parental school in an adjoining school district, by and with the consent of the board of education of the district in which said parental school shall be situate. Any expense incurred by a board of education under the provisions of this section may be paid out of any moneys raised by special district tax for the current expenses of the school.

ARTICLE XVI.

SCHOOL FUND.

Trustees of school fund.

166. The Governor, the Attorney-General, the Secretary of State, the State Comptroller and the State Treasurer are hereby constituted a Board of Trustees of the Fund for the Support of Public Schools arising from appropriations heretofore made or which may be hereafter made by law, or which may arise from gift, grant, bequest or devise, which board shall be known as "The Trustees for the Support of Public Schools."

Secretary of board.

167. The Secretary of State shall be the Secretary of said board. He shall record in a book to be kept for that

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purpose the proceedings of said board and the accounts to be furnished by the State Treasurer as hereinafter directed.

Revenue from riparian lands.

168. All lands belonging to this state now or formerly lying under water are appropriated for the support of public schools, and all moneys hereafter received from the sales of such lands shall be paid, to "The Trustees for the Support of Public Schools," and shall be invested by said board, and shall constitute a part of the permanent school fund of the state.

Income from leases.

169. All leases which have been heretofore made, or which shall be hereafter made of such lands, shall be held by "The Trustees for the Support of Public Schools" as a part of the principal of the school fund, and the income arising from said leases shall be a part of the income of said school fund.

Investments.

170. Moneys belonging to the school fund shall be invested by said board in the bonds of the several school districts of this state, or in the bonds of the United States, or of this state, or in the bonds of any county, city, incorporated town, township or borough of this state the total indebtedness of which shall not exceed in the aggregate fifteen per cenutm of the total assessable valuation of all taxable property therein, and the interest thereof shall be a part of the income of said school fund. The income of said school fund shall be used for the support of public schools, the payment of the salaries of the County Superintendents of Schools, the payment of premiums and accrued interest on bonds purchased by the "Trustees for the Support of the Public Schools," and for no other use or purpose whatsoever. An account of the management of said fund shall be laid before the Legislature with the annual statements of the State Treasurer's accounts. No compensation shall be paid to said trustees or treasurer for any services performed in pursuance of this article.

Use of income.

Annual accounting.

Mortgage investments.

171. Said board shall not invest any part of the principal or interest of said fund in bonds secured by mortgage on lands except as hereinafter provided.

Foreclosure.

172. Said board shall cause foreclosure proceedings to be commenced without delay whenever the interest on bonds secured by mortgage held by said board as part of the school fund shall remain unpaid for the space

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Proviso.

of six months; *provided,* that whenever foreclosure proceedings shall have been commenced, said board may, in its discretion, discontinue the same upon the payment of accrued interest and the costs of such proceedings.

Purchase property at foreclosure sale.

173. Said board may bid for and purchase any lands and premises exposed to sale under the order and decree of any court for the payment and satisfaction of any mortgage incumbrance thereon held by said board, and may take and hold title to the lands and premises so purchased in and by its official name as a part of the principal of the school fund; *provided,* that said board shall not bid a higher price for such lands and premises than shall be sufficient to produce the amount due upon said mortgage incumbrance and costs. The taxed costs attending such proceedings and sale, if any, shall be paid by the State Treasurer on the warrant of the State Comptroller.

Proviso.

Sale of real estate.

174. All real estate now held by "The Trustees for the Support of Public Schools," and all real estate that may be hereafter acquired by them under foreclosure proceedings shall be sold, either at private or public sale, at such times and at such prices as will, in the judgment of said board, be for the best interest of the state. Said board may advertise such properties, either at private or public sale, in such manner as to it shall seem judicious, and the proceeds of such sale shall be paid into the school fund, and shall be invested by said board as other moneys of said fund shall be invested.

Loan on mortgage.

Said board may loan to the purchaser of any said real estate, one-half of the amount of purchase-money, the same to be secured by bond and mortgage on the premises so purchased.

Annual report to legislature.

175. The State Treasurer shall make annually to said board on the first day of the annual meeting of the Legislature, and at such other times as said board shall require, a statement of the school fund, containing an account of the securities belonging thereto with the dates of investment, their values, and the interest arising from each class of securities, together with an account of the moneys in the treasury belonging to said fund.

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Apportionment of fund.

176. There shall be annually apportioned and paid from the income of the school fund for the support of public schools two hundred thousand dollars. If the income of said fund shall not have been received in full, or shall be insufficient for such appropriation, the sum necessary to make up the deficiency shall be drawn from the State Treasury on the warrant of the State Comptroller, which sum so drawn as aforesaid shall be replaced from the income of said school fund as soon as the same shall have been received.

Provision for deficiency.

ARTICLE XVII.

STATE SCHOOL TAX.

Apportionment among counties.

177. For the purpose of maintaining free public schools there shall be appropriated each year from any moneys in the State Treasury not otherwise appropriated such sum, not less than one hundred thousand dollars, as may be determined by the Legislature in the annual appropriation act; which sum shall be apportioned among and paid to the several counties in the proportion that the ratables of each of said counties shall bear to the total ratables of the State as exhibited by the latest abstract of ratables filed in the office of the State Comptroller. In addition to the amount so determined and appropriated, a State school tax shall be annually assessed, levied, and collected upon the taxable real and personal property in the State, as exhibited by the latest abstract of ratables from the several counties made out by the several boards of assessors and filed in the office of the State Comptroller. Said tax shall be such an amount as will make, when added to the amount determined and appropriated as aforesaid, a sum equal to two and three-fourths mills on each dollar of valuation of the taxable real and personal property in the State as exhibited by the last abstract of ratables from the several counties made out by the several boards of assessors and filed in the office of the State Comptroller, which tax shall be assessed, levied and collected at the same time and in the same manner as other taxes shall be assessed, levied and collected. The State Comptroller shall apportion said tax and appropriation among the several counties in

State school tax.

Amount.

Apportionment by state comptroller.

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proportion to the amount of taxable real and personal estate of said counties respectively as shown by the abstract of ratables as aforesaid, and he shall transmit on or before the first day of February in each year, to the State Board of Education, a statement of the amount of said tax and appropriation, apportioned as aforesaid, and to the County Collector a statement of the amount of said tax apportioned to and payable by said county, and said County Collector shall lay said statement before the board of assessors of the townships, cities, incorporated towns, boroughs and wards within his county at its next annual meeting, and said board of assessors shall thereupon apportion said school tax as other taxes are apportioned, and the same shall be assessed, levied and collected according to law.

Statement furnished.

Payments by county collector to state treasurer.

178. Every County Collector shall pay to the State Treasurer the quota of the state school tax from his county on or before the twentieth day of January next after the assessment thereof. In case any collector or other officer having the custody of collected taxes shall fail or neglect to pay to the County Collector the full amount of state school tax due from his taxing district on or before the twenty-second day of December, said County Collector shall give to the County Superintendent of Schools written notice of such failure or neglect, and said County Superintendent of Schools shall withhold from every school district in said taxing district, the full amount apportioned to it out of the reserve fund for the support of the school or schools situate within said taxing district, and said County Superintendent of Schools in making the next apportionment of school moneys, shall reapportion the amount of the reserve fund so withheld among the several school districts in his county. Said County Superintendent of Schools shall also withhold from the custodian of the school moneys of any school district the order for the amount of money apportioned out of the state school tax to said district, until the collector or other officer authorized to collect taxes in the taxing district in which said school district shall be situate shall have paid to the County Collector the full amount of the state school tax due from said taxing district, and the body having the control of the finances of any township, city, incorporated town, bor-

Retention of apportionment from state tax.

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ough or other municipality in which shall be situated a school district from which shall have been withheld as hereinbefore provided, the amount apportioned out of the reserve fund for the support of schools, shall forthwith appropriate to said school district, out of any funds under its control, a sum equal to the amount so withheld, and in case there shall be no funds available for such purpose, the body having control of the finances of such municipality shall borrow and appropriate a sum sufficient for such purpose, and shall place the amount so borrowed in the next annual tax levy.

Apportionment of reserve fund.

179. Ten per centum of the full amount of the state school tax annually raised shall be known as a reserve fund, and shall, on or before the fifteenth day of February in each year, be apportioned among the several counties by the State Board of Education equitably and justly according to its discretion. The State Superintendent of Public Instruction shall, on or before the fifteenth day of January next ensuing said apportionment, draw an order on the State Comptroller in favor of each County Collector for ninety per centum of the amount of the state school tax paid by said County Collector to the State Treasurer, and said County Collector shall apply for and be entitled to receive the amount of said order as soon as said order shall be received by him. The State Superintendent of Public Instruction shall also draw his order in favor of each County Collector for such portion of the reserve fund as shall have been apportioned to his county as aforesaid, which order shall be payable when the total amount of said reserve fund shall have been received by the State Treasurer.

Comptroller's warrant to county collector.

180. The State Comptroller shall draw his warrant on the State Treasurer in favor of the County Collector of each county for the portion of the income of the State School Fund, of the state appropriation and state school tax to which said county shall be entitled, whenever such County Collector shall present orders for the same drawn by the State Superintendent of Public Instruction.

County collector to hold money in trust.

181. The County Collector of each county shall receive and hold in trust that part of the state appropriation and state school tax apportioned to his county, and shall pay the same to the custodians of the school moneys

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of the several school districts of his county on the orders of the County Superintendent of Schools.

Report of district boards to county superintendent.

182. The board of education of each school district shall, on or before the fifteenth day of March in each year, certify to the County Superintendent of Schools for the county in which such school district shall be situate, and on the blanks furnished for that purpose by the State Superintendent of Public Instruction, the number of teachers who shall have been employed in the schools of such district for the full time the schools therein shall have been kept open during the then current school year, and the number of teachers who shall have been employed in said schools for a portion only of said year, but for a period of not less than four months, and said County Superintendent of Schools shall, on or before the first day of April in each year, apportion to the several school districts of the said county the State school moneys and the interest of the surplus revenue in the following manner:

Apportionment of school moneys by county superintendent.

I. He shall apportion to each district the sum of two hundred dollars for each teacher that shall have been employed in said district for the full time the schools therein shall have been kept open during the school year preceding that for which the apportionment shall be made; the sum of eighty dollars for each teacher that shall have been employed therein for a portion only of said year, but for a period of not less than four months; the sum of six hundred dollars to each district in which there shall have been employed a supervising principal or city superintendent of schools, who shall have devoted his entire time to the supervision of the schools in such district, but if two or more districts shall have united in employing a supervising principal as aforesaid the six hundred dollars apportioned for such principal shall be apportioned among said districts in the proportion that the number of teachers employed in each of said disricts shall bear to the total number of teachers employed in all of the districts uniting in employing said supervising principal; *provided,* that in making such apportionment teachers employed in evening schools shall be regarded as employed for a portion of the year only, but no apportionment shall be made for teachers employed in an evening school unless the board of edu-

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cation of the school district in which such evening school shall have been maintained shall certify that said evening school has been maintained at least four months during the school year preceding that for which the apportionment shall be made, but if such teachers shall have been also employed in the day schools of the same districts, the apportionment aforesaid shall be made for them in addition to any amount apportioned for them as teachers in such day schools; *provided further,* that if any board of education of any school district shall provide proper means for the transportation of pupils in accordance with the provisions contained in this act, the County Superintendent of Schools, in making his next apportionment and every apportionment thereafter shall apportion to such district the sum of two hundred dollars for each teacher whose services shall have been dispensed with by reason of substituting transportation for the services of such teacher so long as proper transportation shall be provided; *provided further,* that in making such apportionment, teachers employed in a manual training school or department in a district receiving an appropriation from the state for such manual training school or department, and who shall have devoted at least one-half of the time the schools in said district shall have been kept open to school work other than manual training, shall be regarded as employed for a portion of the year only, but no apportionment shall be made for teachers who shall have devoted their entire time to teaching in such manual training school or department;

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II. He shall apportion to the several school districts of the county the remainder of said moneys on the basis of the total days' attendance of all pupils enrolled in the public schools thereof as ascertained from the last published report of the State Superintendent of Public Instruction. For the purpose of such apportionment an attendance upon an evening school shall be counted as one-half day's attendance. If a school in any district shall, on account of contagious disease, destruction of the school-house by fire or otherwise, or for other good reason, be closed, for the purpose of this apportionment, such school shall be deemed to have been in session, and the total days' attendance upon such school for the time it shall have been closed as aforesaid shall

Apportionment of balance.

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be determined by dividing the actual total days' attendance of the pupils enrolled in such school by the number of days such school shall have been actually in session, and multiplying the quotient thus obtained by the number of school days such school shall have been closed.

Balance paid county collector.

183. On or before the fifteenth day of September in each year the custodian of the school moneys of each school districts shall pay to the County Collector the balance of moneys apportioned to said district by the County Superintendent of Schools, which may then be in his hands to the credit of said district, and shall report forthwith to the County Superintendent of Schools the amount thus paid over, and the County Collector shall, on or before the first day of October in each year, report to the County Superintendent of Schools of his county the amount of money received by him by virtue of the provisions of this section, and said County Superintendent of Schools shall thereupon re-apportion such amount among all the school districts in said county. The sum thus re-apportioned shall be paid immediately by the County Collector to the several custodians of the school moneys of said districts on the orders of the County Superintendent of Schools, and shall be available for the then current school year. The sum thus re-apportioned to any district shall be in addition to the sum apportioned to such district by the County Superintendent of Schools for said school year; *provided,* that the County Superintendent of Schools may, for good cause shown, allow any such balance to remain in the hands of the custodian of the school moneys of such district to the credit of such district, and such balance may thereafter be used and expended by the board of education of such school district for the purpose of paying teachers' salaries and fuel bills, or, by and with the written consent of the County Superintendent of Schools, for the improvement of school-houses and grounds, the purchase of school furniture, or for any other purpose connected with the schools of such district.

Re-apportionment.

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ARTICLE XVIII.

CUSTODIAN OF SCHOOL MONEYS.

Custodian of district school moneys.

184. In each school district there shall be a custodian of school moneys who shall receive and hold in trust all school moneys belonging to such school district, whether received from the state appropriation, state school tax, district tax, appropriation, or from other sources, and shall pay out the same only on orders signed by the president and district clerk or secretary of the board of education. Each order shall specify the object for which it shall be given, and shall be made payable to the order of and shall be indorsed by the person entitled to receive the amount named therein; *provided;* that in the payment of teachers' salaries a pay-roll, certified by the president and district clerk or secretary of the board of education, stating the names of the teachers and the amount to be paid to each, may be delivered to the custodian of school moneys, accompanied by one order or warrant, drawn to his order, for the full amount of said pay-roll, in which case said custodian shall deliver to said district clerk or secretary individual checks payable to the order of said teachers. Said custodian shall pay over the balance of school funds remaining in his hands to his successor in office. He shall keep in the book provided for that purpose a record of the sums received and paid out by him. At the close of the school year he shall transmit to the board of education of the district a report showing the amounts received and disbursed by him for school purposes during said year, and shall file a duplicate of such report with the County Superintendent of Schools.

Proviso.

Annual report.

Municipal custodian.

185. The person designated by law as the custodian of the moneys belonging to the municipality in which a school district shall be situate, shall be the custodian of the school moneys of such district, and shall receive such compensation as the township committee, common council or other governing body of such municipality shall determine, which compensation shall be paid by said township committee, common council, or other governing body from the funds of the township, incoroprated

Compensation.

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town, borough, city or other municipality, and the bonds given by said person for the faithful performance of his duty as such officer, shall be held to cover and secure the faithful performance of his duty as custodian of school moneys and the bondsmen thereon shall be liable therefor. In case the term of office of any such person shall expire before the close of the school year, he shall remain and continue to be the custodian of school moneys until the close of the then current school year, and his bondsmen shall remain and be legally bound for the faithful performance of his duties as such custodian until the final settlement of his accounts. Nothing in this article shall be construed as giving to the township committee, common council or other governing body of any municipality any control over moneys belonging to the school district in the hands of the custodian of the school moneys of said district, but said moneys shall be held by such custodian in trust, and shall be paid out by him only on orders legally issued and signed by the president and district clerk or secretary of the board of education. Any ordinance, by-law or resolution of a township committee, common council or other governing body of any municipality attempting to control such moneys, or which shall in any way prevent the custodian of the school moneys of the school district from paying the orders of the board of education as and when they shall be presented for payment shall be absolutely void and of no effect.

Continuance in office.

Moneys held in trust.

Payment of moneys to custodian.

186. The collector or treasurer of each municipality in which a school district shall be situate, shall pay to the custodian of the school moneys of such school district the amount ordered to be assessed, levied and collected in such municipality for the use of the public schools therein exclusive of the state school tax, on the requisition or requisitions of the board of education.

Sinking fund.

187. Whenever there shall have been established a sinking fund for the payment of school bonds and there is no officer or body designated by law as the custodian of the funds belonging to such sinking fund, the custodian of the moneys of the corporation which shall have issued such bonds shall be the custodian of the securities and moneys belonging to such fund, and the

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bondsmen on his bonds as such custodian shall be liable for the safekeeping of said fund.

When school orders draw interest.

188. Whenever any order for payment of the current expenses of a public school shall be drawn and issued by any board of education on the custodian of the school moneys of such district, and there shall be no funds in the hands of such custodian to pay the same, such order shall bear legal interest until such time as said custodian shall have funds to pay the same, of which fact he shall give public notice, whereupon said interest shall cease.

Penalty for not making report.

189. If any custodian of the school moneys of any school district shall fail to make this report to the County Superintendent of Schools on or before the first day of August in any year, he shall forfeit to said school district the sum of ten dollars for each day thereafter until his report shall be made. Said sum shall be sued for and collected by the district clerk or secretary of the board of education of said school district in any court of competent jurisdiction.

ARTICLE XIX.

STATE NORMAL SCHOOLS.

Normal schools.

190. State normal schools shall be maintained for the purpose of training and educating persons in the science of education and art of teaching. The name and title of each such school shall be designated by the State Board of Education. Tuition in said schools shall be free.

Free tuition.

Supervision.

191. The State Board of Education shall have the control and care of the buildings and grounds owned and used by the state for normal schools and of the funds for the support thereof; shall appoint and remove principals, teachers and other employes and shall fix their salaries; shall purchase and furnish text-books, apparatus and supplies for the use of the pupils; shall prescribe courses of study for such schools; shall make rules for their management and shall grant diplomas.

Treasurer.

192. The State Board of Education shall appoint a suitable person as treasurer of each of said schools and shall fix his salary. All bills and charges for the main-

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tenance of said schools, except as hereinafter provided, shall be paid by the treasurer thereof upon the certificate of said board.

Maintenance.

193. Said Board shall order necessary repairs to the grounds, buildings and furniture of said Normal Schools, and shall keep said buildings and furniture insured. The State Comptroller shall upon the certificate of said board, draw warrants upon the State Treasurer for the payment of the cost thereof.

Pupils; number, declaration.

194. Each county shall be entitled to at least six times as many pupils in such schools as it shall have representatives in the Legislature. In case any county shall not have the full number of pupils to which it shall be entitled, pupils may be admitted from other counties. Pupils when admitted shall sign a declaration that they intend to teach in the public schools of this state for at least two years immediately after being graduated, unless excused temporarily by the State Board of Education, and that if they do not so teach they will refund to the state the cost of their education.

Model schools.

195. The State Board of Education may maintain model schools under regular teachers, in which pupils of the Normal Schools shall have the opportunity to observe and practice approved methods of instruction and discipline.

ARTICLE XX.

NEW JERSEY SCHOOL FOR THE DEAF.

Name.

196. A school shall be maintained for the purpose of training and educating deaf children. The name and title of said school shall be "The New Jersey School for the Deaf." Tuition in said school shall be free.

Free tuition.

Control, teachers, etc.

197. The State Board of Education shall have the control and care of the buildings and grounds owned and used by the state for a school for the deaf and the funds for the support thereof; shall appoint and remove a superintendent, teachers and other employes and shall fix their salaries; shall purchase furniture, text-books, school apparatus and other supplies; shall make rules and regulations for the government and management of said school and for the admission of pupils thereto.

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198. All improvements, additions and repairs to the buildings of said school and the furnishing thereof, shall be by contract, after due notice given and specifications furnished. The State Board of Education shall invite proposals twice in each year, at intervals of six months, for supplying said school with dry goods, wearing apparel, groceries, provisions, vegetables, fuel, illuminating material and all other articles the necessity of which it shall be practicable to determine as being needed for the then ensuing six months. The standard quality of such articles shall be determined by the board, and standard samples of non-perishable articles shall be kept in the office of the superintendent for the inspection of bidders. The inviting of proposals shall be advertised for ten consecutive days in two daily newspapers published in the city of Trenton, which advertisement shall classify the articles which shall be grouped in each bid, and shall also state, as nearly as practicable, the quantity needed, and that said goods are to be delivered during the next ensuing six months as ordered by said superintendent. Said board shall award the contract to the lowest responsible bidder on each class or group of articles advertised for, and shall require contractors to enter into suitable bonds for the faithful performance of said contracts; but said board shall have the right to reject any and all bids not considered by it to be in the interests of said school.

Maintenance.

Proposals invited.

Award contract.

199. Deaf persons of suitable age and capacity for instruction who shall be legal residents of this state and not over twenty-one years of age, shall be entitled to the privileges of the school for such a period of time, not exceeding fourteen years, as the State Board of Education shall determine; *provided,* that whenever more persons apply for admission at one time than can be properly accommodated in said school, said board shall so apportion the number received that each county shall be represented therein in the ratio of its deaf population to the total deaf population of the state. Application for admission into said school shall be made to the State Board of Education by a parent, guardian or friend of a proposed pupil in such manner as said board shall direct, but the board shall require such application to be accompanied by a certificate from the judge

Who admitted.

Proviso.

Application.

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of the inferior court of common pleas or the county clerk of the county, the chosen freeholder or clerk of the township, the mayor or other executive officer of the city, borough or other municipality in which the applicant shall reside, setting forth that the applicant is a legal resident of the township, city, borough or other municipality claimed as his or her residence, and the age, circumstances and capacity of such proposed pupil, and the ability or inability of such proposed pupil or of his or her parent or guardian to pay any part of the expense of the care and maintenance of such proposed pupil.

When charge may be made.

Whenever said board shall be satisfied that the resources of any person applying for admission to such school or being a pupil thereat, or those of his or her parent or guardian shall be sufficient to defray either the whole or a part of the expense of maintaing such pupil, said board may require such parent or guardian to pay either the whole or such portion of the annual expense of maintaining such pupil as it shall deem just and equitable.

Treasurer.

200. The State Board of Education shall appoint some suitable person treasurer of said school and shall fix his salary. All bills and charges for the maintenance of said school shall be paid by said treasurer upon the certificate of said board.

ARTICLE XXI.

MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH.

Control of Bordentown school.

201. "The Manual Training and Industrial School for Colored Youth" (now located at Bordentown) shall be hereafter conducted and managed by the State Board of Education, which board shall have the full management and control thereof; shall have the care and charge of the buildings and property thereof; the application and expending of the funds provided or appropriated for the support thereof; the appointment and removal of a principal, teachers and other employes; the fixing and paying of their salaries; the power to prescribe the studies and exercises of said school and rules for its management, and for the admission of pupils thereto.

Tuition free.

Tuition in said school shall be free.

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202. Each county shall be entitled to as many pupils in said school as it shall have representatives in the Legislature, but in case any county shall not have in said school the full number of pupils to which it shall be entitled, pupils may be admitted from other counties. Number of pupils.

203. In lieu of all claims, rights and title that the Manual Training and Industrial School for Colored Youth has or may hereafter have upon the annual appropriation coming to this state from Congress under the provisions of the supplement to the act of Congress of August thirteenth, one thousand eight hundred and ninety, a sum not to exceed five thousand dollars may be annually appropriated for the maintenance of said school out of any money in the state treasury not otherwise appropriated. Appropriation.

204. The State Board of Education shall appoint some suitable person treasurer of said school and shall fix his salary. Treasurer.

ARTICLE XXII.

MANUAL TRAINING.

205. Whenever in any school district there shall have been raised by special tax or by subscription or both a sum not less than two hundred and fifty dollars for the establishment in such district of a school or schools for industrial education or manual training, or for the purpose of adding industrial education or manual training to the course of study then pursued in the school or schools of such district, there shall be paid for such purpose to the custodian of the school moneys of said district, on the order of the State Superintendent of Public Instruction, an amount equal to that raised therein as aforesaid, which amount shall be paid by the State Treasurer on the warrant of the State Comptroller. Whenever such school or schools shall have been established in any district, or said industrial education or manual training shall have been added to the course of study in the school or schools of any district, there shall be paid to such district in like manner for the maintenance and support thereof a sum equal to that raised each year in the district for such purpose; *provided*, Appropriation. Proviso.

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that the course of study in industrial education or manual training established under the provisions of this section shall be approved by the State Board of Education; *and provided further,* that the moneys appropriated by the state as aforesaid to any school district shall not exceed in any one year the sum of five thousand dollars. The custodian of the school moneys of the school district shall be the legal custodian of any and all funds subscribed, appropriated or raised for the purpose of carrying out the course of study contemplated by this section, and he shall keep a separate and distinct account thereof, and shall disburse said moneys on orders signed by the president and district clerk or secretary of the board of education.

Proviso.

Custodian of funds.

Additional managers.

206. In case the sum necessary as aforesaid to obtain the state appropriation or any part thereof shall have been raised by private subscription, the board of education of any school district in which there shall have been established a separate school for industrial education or manual training under the provisions of this article, may select from among the donors of such sum not more than six persons to assist said board in the management of said school.

District report.

207. The board of education of any school district receiving an appropriation from the state for the purpose mentioned in this article shall annually, on or before the first day of August, make a special report to the State Superintendent of Public Instruction in the manner and form prescribed by him.

ARTICLE XXIII.

SCHOOL LIBRARIES.

Library appropriation.

208. The State Comptroller shall draw his warrant on the State Treasurer upon the order of the State Superintendent of Public InIstruction, and in favor of the custodian of the school moneys of a school district for the sum of twenty dollars for any public school situate in such district for which there shall have been raised by special district tax, subscription or entertainment a like sum to establish in such school a school library, or

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to procure books of reference, school apparatus or educational works of art; and the further sum of ten dollars annually upon a like order, upon condition that there shall have been raised by special district tax, subscription or entertainment a like sum for the maintenance of such library for such year.

Selections approved.

209. All selections of articles aforesaid puchased in part by state funds shall be approved in such manner as the State Board of Education may by rule direct.

Joint library.

210. In any school district in which there shall be more than one school-house, the school library committees of two or more of such schools may consolidate and establish in one place the school libraries under their control, and said committees shall constitute a joint committee for the control and management of such consolidated library.

ARTICLE XXIV.

TEACHERS' LIBRARIES.

Support of teachers' libraries.

211. Whenever in any county there shall have been raised by subscription a sum of money not less than one hundred dollars for the establishment of a library of pedagogical books for the use of the teachers of the public schools, the State Comptroller shall, upon the order of the State Superintendent of Public Instruction, draw his warrant on the State Treasurer in favor of the County Superintendent of Schools of said county for the sum of one hundred dollars for the benefit of such library, and annually thereafter there shall be paid on a like order a sum not less than fifty dollars nor more than one hundred dollars, upon condition that there shall have been raised by subscription a like sum for the maintenance of such library for such year.

Committee on selection.

212. The County Superintendent of Schools and three teachers of public schools in such county appointed by him, shall constitute a committee to select and purchase books and apparatus for such library, and to make rules and regulations for the management, use and safe keeping thereof.

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ARTICLE XXV.

TEACHERS' RETIREMENT FUND.

Trustees of retirement fund.

213. There shall be a board of trustees of the fund hereinafter mentioned to be known as "The Board of Trustees of the Teachers' Retirement Fund," which board shall be composed of such members as the Legislature shall from time to time prescribe; and, until changed by law, said board shall consist of the State Superintendent of Public Instruction, three members of the State Board of Education chosen by that body, and three members of the New Jersey State Teachers' Association upon whom this act shall have become binding by its terms. Said last-mentioned three members shall be selected at the annual meeting of the New Jersey State Teachers' Association by those members of said association eligible to election hereunder. The terms of office of the members so chosen by the State Board of Education shall be co-extensive with their respective terms as members of such Board of Education, and the terms of office of those members elected by the members of the New Jersey State Teachers' Association hereinabove designated, shall be for three years and until their successors shall be elected. The members and officers of the Board of Trustees of the Teachers' Retirement Fund as now constituted shall continue in office for the full terms for which they have been severally selected.

Officers.

214. Said board of trustees shall elect one of its members president and one secretary, who shall hold office respectively until the next annual meeting of the board and until their successors shall be elected; *provided,* that the term of office of such president or secretary shall not extend beyond his term of office as member of said board of trustees. The annual meeting for the election of officers shall be held on the second Monday of September. Said board shall administer the fund hereinafter mentioned and order all payments therefrom according to the provisions of this article. Such portion of said fund as the board of trustees may, from time to time determine, may be invested either on bond and mortgage upon real estate situate within this state worth

Proviso.

Administration of fund.

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at least double the amount loaned thereon, or in any bonds of this state, or bonds of any of the counties or school districts of this state, or in any of the bonds of any city or other municipality of this state whose aggregate bonded indebtedness shall not exceed fifteen per centum of the amount of its taxable ratables. All moneys invested in any of the securities mentioned in this section shall be deemed to be part of the permanent principal of said fund, and the income arising from said moneys so invested, together with all moneys received as percentages of the salaries of teachers, and all moneys received by donation, legacy, gift, bequest, devise or otherwise, and which shall not be specifically directed to be made a part of the permanent principal of said fund, shall be available for the payment of annuities and the expenses connected with the management of said fund. All moneys received in payment of principal of bonds or other securities held by said fund shall be re-invested and shall remain a part of said principal. Said board shall report annually to the State Board of Education at its meeting in October, the condition of said fund and the receipts and disbursements on account of the same, together with a list of the beneficiaries of said fund, and the amount paid to each of said beneficiaries. The fiscal year of said fund shall begin on the first day of July and shall end on the thirtieth day of June, and the report herein required shall be for such fiscal year.

The fund.

Annual report.

215. The State Treasurer shall be ex-officio treasurer of the fund hereinafter mentioned. He shall receive all moneys payable to said fund, and shall pay out the same only on warrants or orders of the board of trustees of said fund, which warrants or orders shall be signed by the president and secretary of said board, and all warrants or orders when so signed, shall be full authority for the acquittance of said treasurer for all payments from said fund. Said treasurer shall give receipts for all moneys received by him for said fund; shall keep full and correct accounts of the financial transactions connected with the said fund in proper books for that purpose, and shall make an annual report to the board of trustees at its meeting in September of the receipts and disbursements and other financial transactions connected with said fund.

Treasurer; duties, etc.

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Annuitants.

216. Whenever any teacher shall have taught in the public schools, or in any normal or reformatory school or in any other school of this state supported either wholly or in part by public moneys raised under the authority of any law of this state, for a period or periods aggregating twenty years or more, and shall have become incapacitated from earning a sufficient livelihood, such teacher shall, at his or her request, and on the approval of the aforesaid board of trustees be retired as a teacher, and shall thereafter receive an annuity out of the fund hereinafter mentioned equal to one-half of the average annual salary received by such teacher for the five years immediately preceding the time of retirement; *provided, however,* that no annuity shall be less than two hundred and fifty dollars nor more than six hundred dollars; *provided further,* that no teacher shall be retired under the provisions of this article unless he or she shall have first paid into said fund such sum as shall make his or her total payments into said fund equal to at least twenty per centum of his or her average annual salary for the five years immediately preceding the time of such retirement. The decision of the board of trustees of said fund upon any application for such annuity shall conclusively determine the right of the applicant thereto, and the payment of any such annuity shall be suspended whenever it shall appear to said board upon sufficient proof, that the annuitant is able to earn a sufficient livelihood, but such payment may be resumed whenever said board shall deem it proper so to do.

Proviso.

Proviso.

Decision of trustees conclusive.

Payment of annuities.

217. All annuities payable under the provisions of this article shall be paid in quarterly installments on the last days of September, December, March and June, and all annuities granted shall date from the first day of the quarter next succeeding the dates of the granting of such annuities; but if the funds available for the payment of any installment shall not be sufficient to pay the aggregate of annuities payable under this article in any quarter, such annuities shall abate pro rata.

Rebate.

218. Any teacher upon whom the provisions of this article shall have become binding, who shall have contributed to the fund hereinafter mentioned for five years or more, and who shall resign his or her position as

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teacher or shall be otherwise honorably retired from such position, except as hereinbefore provided, shall, upon application within three months after the date of such resignation or retirement be entitled to receive and shall receive one-half of the total amount paid by him or her into said fund without interest.

Retirement fund, how provided.

219. The retirement fund herein provided for shall be made up as follows:

I. One per centum of the monthly salaries of all teachers upon whom this act shall have become binding by its terms prior to January first, one thousand nine hundred and three; one per centum of the monthly salaries of all teachers who shall become members of said fund on or after January first, one thousand nine hundred and three, and who shall have been teaching ten years or less at the time of becoming members of said fund; two per centum of the monthly salaries of all teachers who shall become members of said fund on or after said date, and who shall have been teaching more than ten years at the time of becoming members of said fund; *provided,* that on or after said date no person who shall have been teaching more than fifteen years shall become a member of said fund unless he or she shall have passed a satisfactory medical examination under such rules as the board of trustees may prescribe; *and provided further,* that a teacher, who became a member of said fund, prior to January first, one thousand nine hundred and three, shall not be required to pay more than one per centum of his or her monthly salary by reason of the fact that he or she has been teaching more than ten years. The said per centum shall be reserved or deducted from each warrant or order for salary given to such teacher by the board of education or other officers as shall be required by law to give such warrants or orders to such teachers, and the said board of education or other officer shall, between the first and tenth days of each and every calendar month, draw their warrants for the amount so reserved and deducted during the preceding calendar month in favor of the custodian of the school moneys of the district or school in which such teachers shall be employed, and the said custodian shall, immediately upon receipt of such warrant or order, forward to the State Treasurer the amount of money

Proviso.

Proviso.

Reservation of percentage.

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named in such warrant or order, together with a list of the names of the said teachers;

II. One per centum of all annuities paid under the provisions of this article, which shall be deducted and withheld from each payment made to any annuitant;

III. All moneys and property received by donation, legacy, gift, bequest, devise or otherwise for or on account of said fund;

IV. All interest on investments and other moneys which may be duly and legally raised for the increase of said fund.

Powers of trustees.

220. Said board of trustees shall have power:

I. To subpœna witnesses and compel their attendance to testify before it in all matters relating to the operation of this article, and any member of said board may administer oaths or affirmations to such witnesses;

II. To fix the salary of the secretary of said board, and to make rules, not inconsistent with the laws of this state, for their own government and for carrying out of the provisions of this article;

III. To draw their warrants or orders upon the State Treasurer for the payment out of said fund of all annuities and necessary expenses incurred in carrying out the provisions of this article, but the members of said board, excepting the secretary, shall serve without compensation, but said members shall be paid the necessary expenses incurred by them as members of said board, which expenses shall be paid in the same manner as other payments shall be made from said fund;

IV. By the name of "The Board of Trustees of the Teachers' Retirement Fund" to sue and be sued, complain and defend in any court of law or equity;

V. To have, hold, purchase, sell, assign and transfer any of the securities in which any part of the said retirement fund may be invested.

Upon whom act binding.

221. The provisions of this article shall be binding upon any teacher employed at the time of the passage of this act in any of the schools hereinabove mentioned, and who is not now a member of said fund only in case he or she shall sign and deliver to the board of education, board of trustees or other body by whom he or she shall be employed, a notice in substantially the following form:

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To the board of education of ————:

You are hereby notified that I desire to avail myself of the provisions of Article XXV. of the act of the Legislature entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," and that I do hereby agree to be bound thereby;

Dated ——— ———; ——— ———;

A duplicate of said notice shall be sent by the teacher signing the same to the secretary of the Board of Trustees of the Teachers' Retirement Fund.

Who may take advantage of article.

222. Any teacher who has heretofore signed and delivered a notice substantially in the manner and form prescribed in this article shall become bound by the provisions of this article and shall have its advantages and privileges without signing or delivering any other notice, and shall be deemed to have accepted the provisions of this article by receiving any sum of money as salary from which there shall have been made a deduction under and by virtue of the provisions of this article. Any person who is not now a teacher in any of the schools hereinabove mentioned may become bound by the provisions of this article, and have its advantages and privileges, by signing and delivering to the board of education or other body by whom he or she shall be employed a notice as prescribed in this article.

Notice of change of school.

223. Any teacher who shall have become bound by the provisions of this article, and who shall cease to teach in the district or school in which he or she was teaching at the time of signing and delivering the notice as provided in this article, and who shall be employed as a teacher in any other district or school, shall immediately give written notice to the board of education having control of the school in which he or she shall be teaching that he or she is a member of the Teachers' Retirement Fund, and said notice shall direct that the prescribed per centum of his or her salary be deducted and forwarded to the State Treasurer. Such teacher shall send one copy of said notice with his or her address to the secretary of the Board of Trustees of the Teachers' Retirement Fund, and another copy of said notice to the State Treasurer.

To whom act applies.

224. The provisions of this article shall apply to any superintendent, principal or supervising principal who

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shall teach or be employed in the public schools of this state, or in any normal, model or reformatory school of this state, or in any other school of this state supported either wholly or in part by public moneys raised under the authority of any law of this State.

ARTICLE XXVI.

SALARIES OF TEACHERS AND PRINCIPALS.

Salaries of teachers.

225. Teachers hereafter employed in any graded school in this state supported in whole or in part by state moneys shall receive salaries proportioned to their experience and success in the school district where they may be employed, such salary, in the case of every teacher whose experience and success have been properly certified to, to be not less than the amount provided for such teacher in the following schedule:

Assistant teachers in primary and grammar schools and kindergartens:

Less than two years' experience, four hundred and eight dollars per annum;

Two years' and less than three years' experience, four hundred and fifty-six dollars per annum;

Three years' and less than four years' experience, five hundred and four dollars per annum;

Four years' and less than five years' experience, five hundred and fifty-two dollars per annum;

Five years' and less than six years' experience, six hundred dollars per annum;

Six years' and less than seven years' experience, six hundred and forty-eight dollars per annum;

Seven years' and less than eight years' experience, six hundred and ninety-six dollars per annum;

Eight years' and less than nine years' experience, seven hundred and forty-four dollars per annum;

Nine years' and less than ten years' experience, seven hundred and ninety-two dollars per annum;

Ten years' and less than eleven years' experience, eight hundred and forty dollars per annum;

Eleven years' and less than twelve years' experience, eight hundred and eighty-eight dollars per annum;

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Twelve years' experience and upwards, nine hundred and thirty-six dollars per annum;

Principals of schools containing grammar and primary departments:

Less than one year's experience as such principal, one thousand eight hundred dollars per annum;

One year's and less than two years' experience, one thousand nine hundred dollars per annum;

Two years' and less than three years' experience, two thousand dollars per annum;

Three years' and less than four years' experience, two thousand one hundred dollars per annum;

Four years' and less than five years' experience, two thousand two hundred dollars per annum;

Five years' and less than six years' experience, two thousand three hundred dollars per annum;

Six years' and less than seven years' experience, two thousand four hundred dollars per annum;

Seven years' experience and upwards, two thousand five hundred dollars per annum;

Principals of schools containing primary departments only:

Less than one year's experience as such principal, one thousand two hundred dollars per annum;

One year's and less than two years' experience, one thousand three hundred dollars per annum;

Two years' and less than three years' experience, one thousand four hundred dollars per annum;

Three years' and upwards, one thousand five hundred dollars per annum;

Principals of primary departments shall be paid at the same rate as principals of schools containing primary departments only;

Vice-principals, head assistants and first assistants of grammar and primary departments:

Less than one year's experience as such vice-principal, head assistant or first assistant, nine hundred and ninety-six dollars per annum;

One year's and less than two years' experience, one thousand and fifty-six dollars per annum;

Two years' and less than three years' experience, one thousand one hundred and sixteen dollars per annum;

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Three years' experience and upwards, one thousand one hundred and seventy-six dollars per annum;

Assistant teachers in high schools, male assistants:

Less than one year's experience, one thousand five hundred dollars per annum;

One year's and less than two years' experience, one thousand six hundred dollars per annum, and for each year's experience thereafter at an additional salary of one hundred dollars per annum to not less than the sum of two thousand four hundred dollars per annum;

Female assistants in high schools:

Less than one year's experience, seven hundred dollars per annum, and for each year's experience thereafter, at an additional salary of one hundred dollars per annum, to not less than the sum of one thousand two hundred dollars per annum;

Vice-principals of high schools:

Less than one year's experience two thousand dollars per annum, and for each year's experience thereafter, at an additional salary of one hundred dollars per annum, to not less than two thousand five hundred dollars per annum;

Principals of high schools:

Less than one year's experience as such high school principal, two thousand five hundred dollars per annum;

One year's and less than two years' experience, two thousand six hundred dollars per annum;

Two years' and less than three years' experience, two thousand seven hundred dollars per annum;

Three years' and less than four years' experience, two thousand eight hundred dollars per annum;

Four years' and less than five years' experience, two thousand nine hundred dollars per annum;

Five years' experience and upwards, three thousand dollars per annum;

Model teachers in model departments of training schools for teachers:

In addition tc the salaries herein provided for assistant teachers of primary and grammar schools, one hundred and fifty dollars, each, per annum;

Critic teachers of training schools for teachers:

Two hundred dollars, each, per annum, as extra compensation;

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Principal of primary department of training schools for teachers:

Less than one year's experience, one thousand five hundred dollars per annum, and for each year's experience thereafter at an additional salary of one hundred dollars per annum, to not less than the sum of one thousand seven hundred dollars per annum;

Teachers of methods or supervisors of methods of training school for teachers:

Less than one year's experience, one thousand five hundred dollars per annum, and for each year's experience thereafter, at an additional salary of one hundred dollars per annum, to not less than two thousand dollars per annum;

Principals of training schools for teachers:

Less than one year's experience, two thousand five hundred dollars per annum, and for each year's experience thereafter, at an additional salary of one hundred dollars per annum, to not less than three thousand dollars per annum; *provided,* that if the annual salary of any teacher now employed in any graded school of any school district is less than the amount required to be paid to such teacher by the preceding schedule, the salary of such teacher shall, if such teacher's experience is approved as successul, be increased by adding thereto annually, beginning with the first day of the fiscal year next succeeding the adoption of this article in the manner provided in section two hundred and twenty-six of this act, a sum equal to the annual increase provided in the preceding schedule for the class to which such teacher belongs, until such teacher's salary shall be in accordance with the schedule; *and provided further,* that the annual salary paid to any principal or vice-principal hereafter appointed shall not exceed the annual salary paid at the time such appointment is made to principals and vice-principals of the same class respectively, and that the salary of every such appointee shall, if the experience of such appointee proves to be successful, be increased annually by the amount and in the manner described in this section, until the salary of such appointee shall be in accordance with the preceding schedule.

Proviso.

Proviso.

226. The board of aldermen, common council or other governing body of any municipality of this state,

Referendum; acceptance of Article XXVI.

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may, by resolution, submit the question of the acceptance or rejection of this article to the voters of such municipality at any general or charter election to be held therein, whereof at least ten days' notice shall be given by public advertisement in two daily newspapers of this state, circulating in such municipality, and if a majority of those who shall vote for the acceptance or rejection thereof shall be in favor of the acceptance of this article, then this article shall go into effect at the commencement of the then next fiscal year in such school district, and the grant of power herein made shall be deemed to be accepted by such school district, and such school district shall be bound by the terms of this article; persons entitled to vote at any election where this question is submitted to them shall express their assent or rejection of this article in the manner provided in "An act to regulate elections" [Revision of 1898]; there shall be a canvass on the return of the votes upon the question of acceptance or rejection of this article made by the election officers in the same way and manner as for officers voted for at such election, and if a majority of the ballots shall be found to be in favor of the acceptance of this article it shall then, but not otherwise, go into effect and be binding upon the school district situate in said municipality wherein such vote shall be taken.

Mode of declaring acceptance.

Validating action of district concerning compensation of teachers.

227. All elections or submissions to the vote of the qualified voters of any municipality for the adoption of the provisions of any statute establishing the compensation to be paid to teachers and principals in the public schools, and to provide for the payment thereof, in the school district situate in such municipality, which statute was in substantial compliance with the provisions of this article, and the acceptance of the provisions of such statute by reason of a majority of the ballots having been found to be in favor thereof, and the attendant proceedings heretofore held, submitted, had, done or taken pursuant to and in substantial compliance with such statute are hereby validated and confirmed as fully and to the same extent as though done after the passage of and in conformity with the provisions of this article, and said teachers and principals shall hereafter receive and be paid salaries in accordance with the provisions of this article.

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ARTICLE XXVII.

MISCELLANEOUS.

Deductions for improper use of school moneys.

228. If the board of education of any school district shall use any of the school money received by it, except such as shall have been raised within the district, for any purpose other than the payment of teachers' salaries, fuel bills, the transportation of pupils and the tuition of pupils attending schools in adjoining districts, there shall be deducted by the County Superintendent of Schools from the next annual apportionment to such district a sum equal to twice the amount thus used, and said County Superintendent of Schools shall apportion the money thus deducted among the other districts of the county; *provided,* that the State Superintendent of Public Instruction may remit such penalty.

Proviso.

Medical inspector; duties.

229. Every board of education may employ a competent physician to be known as the Medical Inspector, fix his salary and define his duties. Said Medical Inspector shall visit the schools in the district in which he shall be employed at stated times to be determined by the board of education, and during such visits shall examine every pupil referred to him by a teacher. He shall at least once during each school year examine every pupil to learn whether any physical defect exists, and keep a record from year to year of the growth and development of such pupil, which record shall be the property of the board of education and shall be delivered by said Medical Inspector to his successor in office. Said Inspector shall lecture before the teachers at such times as may be designated by the board of education, instructing them concerning the methods employed to detect the first signs of communicable disease and the recognized measures for the promotion of health and prevention of disease. The board of education may appoint more than one Medical Inspector.

Display flag.

230. Every board of education shall procure a United States flag, flag-staff and the appliances therefor for each school in the district, and shall display said flag upon or near the public school building during school hours and at such other times as said board may deem proper.

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Use of surplus revenue.

231. The several counties in this state shall appropriate the interest of the surplus revenue to the support of the public schools.

Teachers' institutes.

232. The State Superintendent of Public Instruction shall procure instructors and lecturers for teachers' institutes. To defray the expenses incurred in holding said institutes there shall be paid to him annually by the State Treasurer, upon the warrant of the State Comptroller, a sum not exceeding four thousand dollars. Said State Superintendent of Public Instruction shall make annually to the State Board of Education an itemized report of the expenses incurred in holding said teachers' institutes during the year for which said report shall be made.

Appropriation.

Nature of alcohol and its effects taught.

233. The nature of alcoholic drinks and narcotics and their effects upon the human system shall be taught in all schools supported wholly or in part by public moneys as thoroughly and in the same manner as other like branches shall be taught, by the use of graded text-books in the hands of the pupils when other branches shall be thus taught and orally only in the case of pupils unable to read. In the text-books on physiology and hygiene the space devoted to the consideration of the nature of alcoholic drinks and narcotics and their effects upon the human system shall be sufficient for a full and adequate treatment of the subject. The failure or refusal of any district to comply with the provisions of this section shall be sufficient cause for withholding from such district the state appropriation.

Examination.

234. No certificate shall be granted to any person to teach in the public schools, except to persons applying for special certificates to teach music, drawing, manual training or other subjects not included in the usual school curriculum, who shall not have passed a satisfactory examination in physiology and hygiene with special reference to the nature of alcoholic drinks and narcotics and their effects upon the human system.

Arbor day.

235. The day in each year known as Arbor Day shall be suitably observed in the public schools. The State Superintendent of Public Instruction shall from time to time prepare and issue to schools such circulars of information, advice and instruction with reference to the day as he may deem necessary.

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Patriotic exercises.

236. In all public schools there shall be held on the last school day preceding the following holidays, namely, Lincoln's birthday, Washington's birthday, Decoration or Memorial day and Thanksgiving day and on such other patriotic holidays as shall be established by law, appropriate exercises for the development of a higher spirit of patriotism.

Payment of judgments.

237. Whenever an execution shall be issued against the board of education of a school district or of a union-graded school by any court authorized to issue the same, upon a judgment recovered either before or subsequent to the passage of this act, and there shall be found no property belonging to said school district or union-graded school sufficient to satisfy the same liable to be levied on, then the officer authorized to execute such process shall serve a certified copy of said execution upon the assessor or assessors of the taxing district or districts in which said school district or union-graded school shall be situate, and also upon the collector or collectors of such taxing district or districts. Upon receipt of such copy or copies such assessor or assessors shall, at the time of the next regular assessment of school taxes, assess upon the inhabitants of said school district and their estates, and upon the taxable property therein, in addition to the regular school taxes, the amount due upon said execution, with interest thereon to the time when the same shall be paid to the officer serving such process and the collector or collectors shall levy and collect the same, and said amount, when collected, shall be a separate fund, and shall be paid over by said collector to the officer who shall have served said process.

Assessment.

School year.

238. The school year shall begin on the first day of July and end on the thirtieth day of June.

Money specifically appropriated.

239. No money shall be paid from the state treasury for any purpose named in this act unless an appropriation therefor shall have been made by the Legislature in the annual appropriation act.

"Article" defined.

240. Whenever in this act the word "article" is used, it shall be construed as referring to the caption under which it is used.

Election of municipal trustees.

241. Whenever the adoption of the provisions of section thirty-nine of this act shall have been submitted to the qualified voters of any municipality at any general or

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municipal election therein as provided in this act, and said voters at such election shall have determined in favor of having a board of education elected by the people in such municipality, it shall and may be lawful for the common council, board of aldermen or other legislative body of such municipality, to nominate and elect a board of education consisting of nine members, who shall possess the qualifications required by Article VI. of this act, to take charge and control of the public schools and public school property in said municipality, during the interim between the adoption of said section thirty-nine by said voters and the qualification of a board of education to be elected by the people at the next general or municipal election in said municipality as provided in said section. The members so appointed under this section shall have all the powers and be charged with all the duties conferred or imposed upon a board of education as provided in Article VI. of this act, and shall hold office during such interim. Upon the organization of a board of education in any such municipality, as provided in this section, the board of education or other body theretofore having charge of the public schools in such municipality, or having custody, charge or management of any fund or property used for or in the maintenance of public schools in such municipality and having no other function shall be ipso facto abolished.

Trustees ad interim.

Continuance of present officials.

242. The State Superintendent of Public Instruction, the county and city superintendents of schools, the members of the boards of education who are residents of the territory contained in the several school districts, as said districts are constituted by this act, and who are now acting as such, secretaries of boards of education, janitors and other employes of the several boards of education of the several school districts, shall continue to serve for the full term for which they were severally elected or appointed, as though they had been elected or appointed under any of the provisions of this act, except as in this act otherwise provided, and all certificates to teach heretofore issued, and now in force in this state shall be valid according to their terms and for the periods for which they have been severally granted.

Referendum; acceptance of Article VI.

243. The acceptance of the provisions of this act contained in Article VI. relating to boards of education in

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city school districts, shall be submitted to the qualified voters of any town, township or borough at a general or municipal election to be held therein, whenever the town council, township committee or other governing body of such municipality, or the board of education of the school district situate in such municipality, shall have, by resolution, directed that such question shall be so submitted. The question to be submitted shall be for or against the adoption of the provisions of Article VI. of an act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved ——— (insert herein the date when this act shall be approved), and if a majority of the votes cast upon said question shall be for the adoption of the provisions of said article, the school district in such municipality shall thereafter in all respects be governed by the provisions of Article VI. relating to city school districts, and the board of education therein shall have all the powers and duties given and imposed by the several provisions of said article.

Referendum; acceptance of Article VII.

244. The acceptance of the provisions of this act contained in Article VII. relating to boards of education in township, incorporated town and borough school districts, shall be submitted to the qualified voters of any city at a general or municipal election to be held therein, whenever the common council or other governing body of such city or the board of education of the school district situate in such city, shall have, by resolution, directed that such question shall be so submitted. The question to be submitted shall be for or against the adoption of the provisions of Article VII. of an act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved ——— (insert herein the date when this act shall be approved), and if a majority of the votes cast upon said question shall be for the adoption of the provisions of said article, the school district in such city shall thereafter in all respects be governed by the provisions of Article VII. relating to township, incorprated town and borough school districts, and the board of education therein shall have all the powers and duties given and imposed by the several provisions of said article.

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Validity of this act.

245. In case for any reason any section or any provision of this act shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this act.

Government of schools.

246. All school districts shall hereafter be governed solely by the provisions of this act, and all acts and parts of acts, general, special or local, so far as they are inconsistent with the provisions of this act, are hereby repealed; *provided,* that this repealer shall not revive any act heretofore repealed.

Proviso.

247. This act shall take effect immediately.

Approved October 19, 1903.

CHAPTER 2.

An Act to validate taxes heretofore levied, bonds or obligations issued, contracts made or other acts done for school purposes which may be illegal because of the fact that the law under which they were so levied, issued, made or done has been declared unconstitutional.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Validating certain acts done for school purposes.

1. The State school tax heretofore assessed and levied, the apportionment of State school moneys heretofore made, and all contracts, bonds and obligations which have been heretofore entered into, made or incurred, all appropriations, taxes and assessments heretofore made, levied and imposed, and all other acts heretofore had, passed, done or taken for school purposes under or pursuant to the provisions of any law declared by the Court to be unconstitutional, are hereby validated and confirmed.

2. This act shall take effect immediately.

Approved October 19, 1903.

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INDEX.

(97)

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INDEX.

PAGE

Proclamation by the governor convening special session of the legislature, 3

Act to establish system of free public schools, ... 5

Act to validate taxes heretofore levied, bonds or obligations issued, contracts made, which may be illegal, ... 96

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